

**Civil
Government
AND**

HISTORY

OF

MISSOURI



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THE
CIVIL GOVERNMENT
OF THE
UNITED STATES AND THE STATE OF MISSOURI

BY
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AND
THE HISTORY OF MISSOURI
FROM THE EARLIEST TIMES TO THE PRESENT

BY
PERRY S. RADER, A. B.

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PREFACE TO THE CIVIL GOVERNMENT.

So much of the Civil Government of the United States and of the State of Missouri is given in this book as is necessary in the preparation of the young for intelligent citizenship. There is not such a lengthy discussion as might be desired by the technical lawyer, but the treatment is such that a general understanding of all branches of our government may be acquired, and is sufficient to meet the needs of any district school or high school or academy. Those parts of the Federal Constitution that are now or may hereafter be in active force have been given and discussed. The quotations from the Constitution have usually been printed in *italics*, in order that they may the more readily be seen and distinguished from other parts of the book. The entire work has been divided into chapters of sufficient length for classroom work, and at the end of each chapter are numerous questions for aid in review, and a topical outline for blackboard purposes. The figures in parenthesis after every question refer to the section in which the answer may be found. To aid in the study subdivisions of sections usually begin in *italics*.

THE AUTHORS.

PREFACE TO THE HISTORY.

In offering this little History for use in public and other schools I am not without the hope that it may aid in inspiring the young with a purpose to make Missouri the brightest and best of the constellation of States. Our State at this time has a population almost as large as all the States had at the time of the formation of the Union in 1789. Our people have come from every State and almost every nation. This may be indicative of strength or of weakness. It is a heterogeneous people that should become homogeneous in feeling, purpose and State-pride. But this is far from the case. Many Virginians who have lived on our soil for a quarter of a century are yet Virginians; immigrants from New England are yet New Englanders; and the same is true of the settlers from almost every State and country. We still go to other States for our leading preachers, judges, lawyers and educators. This ought not to be. We need to exalt our State by relying more on our own right arm, by believing more in each other. It is also true that we have a history of which we may justly be proud. Few States have so charming and important a story. But it has rarely been told. The children in our schools know far more of the history of the Atlantic States than of their own. It is the opinion of the author that a fuller acquaintance with Missouri's history will make her population a much stronger, a more patriotic and a happier people. Knowledge of our own deeds and convictions and glory will create mutual confidence and admiration, and then business enterprise, moral culture, and intellectual emulation will follow, and more rapidly than ever before. As a native of the State, I may be permitted to wish that this volume will do its share in helping toward these good results.

THE AUTHOR.

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government in some form, life would be insecure, liberty uncertain, property valueless, and the pursuit of happiness impossible. All civilized peoples have had government, and the more enlightened they have become the more firmly established have been their governments. One of the principal duties of government is to prevent men from injuring each other. But on the other hand, government can not properly exercise more power than the people consent to give it. It must not inflict penalties that will unjustly deprive the people of their rights to life, liberty and the pursuit of happiness. It must not undertake to impose taxes greater than they have consented to bear. This consent is found in the laws of the land. The laws have been made by lawmakers chosen by the people, and the people are bound by the laws so made within the limits of the authority given by them to the lawmakers, because they have really consented to them in advance.

3. Equal Rights.—Our government recognizes that all men have an equal right to share in the benefits of the government. It makes no distinction among its law-abiding citizens. Man because he is man has a right to share in its privileges. This principle is laid down in the Declaration of Independence, in the constitution of the United States and in the constitution of every State. This government, then, is ours. It belongs to the people.

4. Forms of Government.—In this age the principal governments may be divided into two classes, monarchies and republics. The word monarchy means the rule of one man, a government by one person. In such a government all power resides in or proceeds from the monarch. There have been nations in which the ruler, styled king, despot, emperor, czar, shah, or sultan, had absolute power of life and death over the people. He made the laws for their control, interpreted them as he wished, and enforced them

according to his own caprice. He was a despot. He took the lives of his subjects at will, appropriated their property at pleasure and maintained his authority by force. Such a government is usually called an *absolute monarchy* or despotism. It can not exist where the people are generally educated, and, knowing their rights, dare maintain them. But perhaps no important nation of this time can be said to be strictly an absolute monarchy. Russia and Turkey are frequently called such. But laws exist even in those nations, and the powers of the sovereign are limited, in some things, by them. There are other laws, also, which vaguely define, and with uncertainty guarantee, some rights to the people.

A *limited monarchy* is a government in which the powers of the monarch are limited by laws. These are enacted by a parliament or established by the people in some other way, and enforced by courts. In some limited monarchies there is a constitution, or a charter of rights, to which the monarch is required to submit. The monarch, in such cases, is at the head of the executive branch of the government. England is the best example of a limited monarchy. For eight hundred years she has had a hereditary king or queen, since King John's time her people have had their bill of rights, or the Magna Charta, and for centuries she has had a system of courts to enforce her laws, and a Parliament, consisting of the House of Lords and the House of Commons, to enact laws for the kingdom. But the powers of the sovereign are not the same in any two monarchies, whether they be called limited or absolute. In one they are more extensive than in another.

One distinguishing feature of all monarchies is the fact that the people are divided into classes, and one class given privileges denied to others. Thus, in England the House of Lords is composed of persons who have inherited the title of lord from an ancestor or had it bestowed on them by the queen. An *oligarchy* means government by a few men, and

an *aristocracy*, government by the best classes. In all monarchies there is a class of citizens called the aristocracy. The idea behind such distinctions is that only a few persons are capable of managing the affairs of government.

A *republic* is a government by representatives chosen by the people. It is sometimes called a government by laws. These laws are made by representatives chosen by the people, and are enforced by officers chosen by the people or appointed by other officers who have themselves been chosen by the people. The people are the source of all power in a republic. The United States present the best example of a republic ever known. France and Brazil also have republican government, but less perfect than ours. A government purely by the people would be a *democracy*. In such a government all the people would come together in general council and enact laws. But in a country of extensive territory and a large population this would be impossible. A republican form of government, therefore, where laws are enacted and enforced by representatives chosen by the people, is the fairest and fullest expression of popular will.

Questions on Chapter I.

1. Name some reason for government. (1)
2. Name three "inalienable rights." (1)
3. Whence are the powers of just government? (2)
4. For whose good are governments? (2)
5. Suppose there were no governments? (2)
6. One of the principal duties of government? (2)
7. How is the people's consent found? (2)
8. What can you say of equal rights? (3)
9. Where is this principle laid down? (3)
10. To whom does the government belong? (3)
11. How many forms of government are named? (4)
12. What is an absolute monarchy? (4)
13. A limited monarchy? (4)
14. An oligarchy? (4)
15. An aristocracy? (4)
16. A republic? (4)

Topical Outline of Chapter I.

1. GOVERNMENTS. {
 1. Absolute Monarchies.
 2. Limited Monarchies.
 3. Republics.
2. U. S. GOVERNMENT. {
 1. Form.
 2. Powers, How Derived and Expressed.
 3. Guarantees to the People. {
 1. Equal Rights {
 - Through {
 1. U. S. Constitution.
 2. State Constitution.
 3. Laws.

CHAPTER II.

THE CONSTITUTION.

5. Fundamental Law.—The fundamental law of our republic is the Constitution of the United States. It is the agreement entered into by the people when the Union was formed. It is the supreme law of the land. All laws of Congress or of any State in conflict with it are void, and the Supreme Court of the United States has been given the authority to say what laws are in conflict with the Constitution. However much a new law may be desired by the people, if it is in conflict with the Constitution it must fail, and the only way it can be enacted so as to be enforced is by first changing the Constitution itself, which can be done in the way designated by it. It is a short instrument, covering about twenty-five pages of an ordinary book, and in many respects is the most remarkable document in all history. It contains a recital of the powers of the Union over its citizens and over the States, and of its general duties towards them. The Union's powers are, therefore, defined by it, and in return for the surrender by the people and the States of these powers to the Union, there is imposed on the Union the duty

of guaranteeing to each State a republican form of government. All powers not delegated by it to the Union, nor prohibited by it to the States, it declares, are reserved to the States respectively or to the people. It is, at once, the charter, the anchor, the high tower, of American liberty.

6. How Prepared and Adopted.—The Constitution was framed by a convention of delegates from twelve States, which was held in Philadelphia in 1787, and of which the great George Washington was president. His name appears upon it as its first signer. It was written largely by James Madison, who has been called “the Father of the Constitution.” It provided that “the ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying it.” Eleven States had ratified it by June 26, 1788, but Rhode Island, which had refused to send delegates to the constitutional convention, did not adopt it for over a year after George Washington had been inaugurated President. Alexander Hamilton and James Madison did more to secure its adoption than any other men. They and John Jay, who was afterwards appointed the first Chief Justice of the United States, published many letters carefully explaining its meaning. These were collected into a volume called the “Federalist,” which is considered a book of great value by students of the Constitution.

7. Preamble.—The reason and purposes of the Constitution are set forth in a few short sentences at its beginning. These should be memorized by each pupil. The Constitution begins: “We, the people of the United States, (1) in order to form a more perfect union, (2) establish justice, (3) insure domestic tranquillity, (4) provide for the common defense, (5) promote the general welfare, (6) and secure the blessings of liberty to ourselves and our posterity, do ordain

and establish this *Constitution for the United States of America.*" These few clauses have been the subject of much study by the ablest Americans. Interpretations given to them have caused the formation of parties, and led to heated political contentions. One class of citizens has held that the chief duty of government is "to promote the general welfare," and hence has advocated general improvements and the ownership of canals and railroads by the Government; another class has contended that "to secure the blessings of liberty to ourselves and our posterity" is the real duty of the Union. But it is not right to divide the preamble. One clause is as important and binding as another.

8. Amendments.—But the constitution is not exactly as it was when first adopted. It has been changed by adding to it fifteen "amendments." These have the same force and effect as the original instrument. They were made a part of the Constitution by being proposed by two thirds of both houses of Congress to the legislatures of the several States, and by being adopted by at least three fourths of the legislatures of the States or by conventions called for that purpose. The first ten were proposed by the first session of the first Congress and proclaimed to be in force December 15, 1791. They have, by the United States Supreme Court, been held to be limitations on the powers of the Federal Government. They were secured largely through the efforts of Patrick Henry, as more clearly defining the rights reserved to the States and to the people. The XIth Amendment, proclaimed ratified January 8, 1798, simply prohibited citizens of one State or of a foreign country from suing another State. The XIIth Amendment, proclaimed ratified September 25, 1804, more clearly defined the mode of electing the President and Vice-President. There were no more amendments for sixty-one years. The next, the XIIIth, proclaimed ratified December 18, 1865, prohibited slavery.

The XIVth Amendment, consisting of four sections, was proclaimed ratified July 28, 1868. It defined the qualifications for citizenship, denied to persons in rebellion the right to hold office, and declared that no person shall be deprived of life, liberty or property, except by due process of law. The XVth Amendment was declared ratified March 30, 1870. It extended the right of suffrage to persons formerly slaves and to their descendants.

9. Divisions of the Government.—The Constitution divides the Government of the United States into three branches,—the executive, the legislative, and the judicial. Each is separate and independent of the others, yet checks may be imposed by any branch upon the other two. All are of equal rank and importance. None is subordinate.

Questions on Chapter II.

1. What is the fundamental law of our land? (5)
2. Suppose a law is in conflict with the Constitution? (5)
3. What body is authorized to hold a law void? (5)
4. How may it then be had? (5)
5. Length of Constitution? (5)
6. What does the Union guarantee to each State? (5)
7. What powers are reserved to the States and to the people? (5)
8. How was the Constitution framed? (6)
9. Who was the "Father of the Constitution"? (6)
10. Who wrote the "Federalist"? (6)
11. What is the preamble? (7)
12. How many amendments and how adopted? (8)
13. What force and effect have they? (8)
14. How many and what are the departments of the Government? (9)

Topical Outline of Chapter II.

CONSTITUTION.	{	1. The supreme law.	
		2. Defines powers of	{ 1. Union. 2. States.
		3. How prepared.	
		4. How adopted.	
		5. Preamble.	
		6. Amendments.	
		7. Departments.	{ 1. Legislative } Independent 2. Executive } and 3. Judicial } Coordinate.

CHAPTER III.

THE LEGISLATIVE DEPARTMENT.

10. Congress.—The legislative powers of the United States are, by the Constitution, vested in a Congress, which is a lawmaking body composed of two houses, the Senate and the House of Representatives. The Senate is sometimes called the Upper House, and the other the Lower House. Congress must meet at least once in each year, but may convene oftener by call of the President. A regular session begins the first Monday in each December, and all the sessions held between the fourth of March of an odd year and the fourth of March of the next odd year are called “a congress.” The first regular session of each congress may last one year if the two houses so choose; the second regular session ends by law on the fourth of March of each odd year.

11. Senate.—Each State is entitled to two Senators, and no more. They are elected by the legislatures of their respective States. The senatorial term is six years. If a vacancy occur the Governor may appoint a Senator to serve until the Legislature meets. Each Senator must be an inhabitant of the State from which chosen, thirty years old, and for nine years must have been a citizen of the United States. The presiding officer of the Senate is the Vice-President of the United States. He appoints no committees, but simply presides, and has no vote except when the Senators are equally divided. The terms of one third of the Senators expire every two years, so that two thirds of its members are constantly experienced members. It is therefore practically a continuous body.

12. House of Representatives.—The House is composed of Representatives elected by the direct vote of the

people. Every State, however small, is entitled to at least one Representative. Each organized Territory is entitled to one delegate in the House, and such delegate has all the privileges of a Representative except that of voting. The number of Representatives from each State depends on the number of inhabitants it has. Every ten years Congress directs that the census of the people be taken, or that they be numbered. It then declares that each State shall be entitled to one Representative for a certain number of inhabitants. At the present time this unit of apportionment is 173,901, and the whole number of Representatives is 357. Usually the Legislature divides the State into as many districts as there are Representatives to be elected, but sometimes it declines to do so, and then each citizen can vote for as many candidates as there are Representatives to be chosen from his State. A Representative must be twenty-five years old, must have been a citizen of the United States for seven years, and shall be an inhabitant of the State from which he is elected, but need not be a resident of the district for which he is chosen, though he usually is. All persons entitled to vote for members of the most numerous branch of the State Legislature are entitled to vote for Representatives or "Congressmen," as they are now usually called, though they are not so designated in the Constitution. The term of a Representative is two years, and if a vacancy occur another election must be held to fill it. The presiding officer of the House is the *Speaker*. He is elected by the votes of its members. He appoints all its committees, and because of his great power in shaping legislation, he is, next to the President, the most important officer of the Government.

Congressional Map.—The Congressional districts for the State of Missouri, as established by the Legislature by a law passed at its special session held in 1892, for a period

FROM

1892 to 1902.



of ten years, is shown by the accompanying map. If the population of each district is aggregated, it may be seen whether the district contains more or fewer inhabitants than the Congressional unit.

13. Like Powers of Both Houses.—Each house has the right to make rules for its own government, and to judge of the qualification of its members. Each house keeps its own journal, and the yea and nay votes can, by the request of one fifth of the members present, be entered thereon. Neither house can adjourn for a longer time than three days without the consent of the other, nor to any other place than that in which the two houses shall be sitting. The members of each house receive an annual salary of \$5,000 per year, and this amount may be increased or decreased by a law of Congress. Besides they receive mileage, or their expenses in journeying to and from the capital.

14. A Law, How Passed.—A majority of the members of each house constitute a quorum to do business, and if a bill receive, in each house, the votes of a majority of the members present, if such members be a quorum, and is signed by the President, it becomes a law. If the President veto it, that is, refuse to sign it, he shall return it to the house in which it has originated, with his objections; it must then receive the votes of two thirds of the members of each house before it can become a law. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless Congress by their adjournment prevent its return, in which case it shall not be a law.

15. Impeachments.—It may, sometime, be necessary to try a President, or a Federal judge or other civil officer of the Government for treason, bribery, or other high crimes

and misdemeanors. Such trials are called impeachments. They begin in the House, which makes up a formal charge against the accused officer and presents it to the Senate, and the Senate tries him. If the President is on trial, the Chief Justice presides, but in all other cases the Vice-President may preside. In any case two thirds of the Senators present must vote against the accused before he can be found guilty, and if convicted the penalty can go no further than removal from office and disqualification from holding a Federal office, but the accused officer may be held for trial in a court, just as any other person, if he has committed a crime. A Senator or Representative may be expelled by two thirds of the members of the house to which he belongs.

16. Treaties.—The President, by and with the advice and consent of the Senate, may make treaties with a foreign nation. These usually relate to a settlement of international disputes, or to the fixing of the national boundary, or to the acquirement of new territory, or to the carrying on of trade between citizens of the two countries. But before such treaties can be binding they must be approved by two thirds of the Senators present in the Senate when they are acted on. When treaties are made in this manner they become a part of the supreme law of the land and are binding on everyone.

Questions on Chapter III.

1. What is Congress, and how composed? (10)
2. How often does it meet? (10)
3. What is "a congress?" (10)
4. How many Senators has each state? (11)
5. How elected and for how long? (11)
6. Qualifications? (11)
7. Vacancies, how filled? (11)
8. The presiding officer of the Senate and his powers? (11)
9. Representatives, how chosen? (12)
10. How many for each State? (12)

11. Present unit of apportionment? (12)
12. Are districts necessary? (12)
13. Qualifications? (12)
14. Presiding officer of House? (12)
15. Name like powers of each house? (13)
16. How is a law passed? (14)
17. What is the President's veto? (14)
18. Where must impeachments originate? (15)
19. Who tries them? (15)
20. Can a Congressman be expelled? (15)
21. What are treaties, and when in force? (16)

Topical Outline of Chapter III.

LEGISLATIVE DEPARTMENT.	Congress: 1. Sessions. 2. Laws, how passed. (a) Veto. (b) After Veto. 3. Impeach- ments.	1. Senate	1. Members. 2. Eligibility. 3. Election. 4. Presiding Officer. 5. Treaties.	} Like Powers.
		2. House of Represent- tatives.	1. Members. 2. Eligibility. 3. Election. 4. Presiding Officer.	

CHAPTER IV.

POWERS OF CONGRESS.

17. Checks.—Every power exercised by the President must be given him by law. All his authority is limited and defined by the Constitution and by laws passed by Congress. But the powers of Congress are also limited. (1) The Constitution states for what purpose the Congress may enact laws. (2) Besides, the President may veto a bill that the Congress attempts to enact into law, and thus may defeat its passage. (3) But even after a bill has passed both houses and been approved by the President, the Supreme Court may stop its enforcement by declaring it in conflict with the Constitution. So there are three checks on the powers of Congress: the Constitution, the President and the Supreme Court. The Congress, the President, the courts and every citizen must alike yield obedience to the Constitution. Congress, however, does not enforce its laws; it simply enacts them to be enforced by the President, his subordinates, and the courts. It has power to pass laws on the following subjects:

18. Revenue.—“*The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.*” All revenue bills originate in the House, but the Senate may change the tax rates fixed by it. Revenue is the Government’s spending money. It is used to pay its officers and debts, maintain its army and navy, erect needed buildings, reward its old soldiers with pensions and bounties, and operate its postal system. It is raised by the sale of the Government’s land or by some kind of taxation. If it be raised by charges

against goods shipped into this country, the tax is popularly called a tariff. A *protective tariff* is a tax on the products of other countries of such a discriminating kind as will prevent or restrict their competition with products of this country. A *revenue tariff* is a tax on imports, levied solely for obtaining money to support the Government. Excise duties, or *internal revenue*, are inland taxes levied upon articles of home manufacture and sale, upon licenses to pursue certain trades or deal in certain commodities, upon special privileges, etc.

19. To Borrow Money.—“*The Congress shall have power to borrow money on the credit of the United States.*” Congress can also increase its revenue by authorizing the President to issue and sell Government bonds. These bonds then become debts that must, at some future time, be paid, and the money with which to pay them must be raised by taxation upon the people. The bonds, if payable within a certain number of years, bear interest, but if they are payable “on demand” or whenever presented to the Treasury they do not usually bear interest, and in this form are sometimes called “Treasury notes,” because they are much like ordinary promissory notes given by private citizens. Some of these notes are sometimes called *greenbacks* because they were printed on green paper. By an act of Congress these greenbacks have been made to do the work of money, and are often called “legal tender notes.” The most of these bonds and notes, now amounting to over a billion dollars, were first issued to obtain money with which to carry on the Civil War.

20. To Regulate Commerce.—“*The Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.*” The trade with *foreign nations* is largely regulated by establishing custom-houses and ports. The law requires ships,

bringing foreign goods into this country, to land at certain ports, at each of which is a custom-house, through which all these foreign goods must pass before they can be sold to the inhabitants of this country. The President appoints an officer, called the collector of the port, to superintend the collection of the customs, dues or imposts at each of these ports, and he in turn appoints many assistants, all of whom are governed by rules and laws provided by Congress.

21. Naturalization and Bankruptcies. — “*The Congress shall have power to establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.*” (1) Naturalization is the act of a foreigner in becoming a citizen of the United States. It is renouncing allegiance to some other government and pledging allegiance to ours. Usually a foreigner who has resided in this country five years and who takes an oath to support the Constitution and laws of the United States and of the State in which he lives, can become a citizen and has the right to vote. (2) Bankruptcy laws prescribe the method by which persons who have failed in business may be relieved of further liability for their existing debts. Congress has passed few bankruptcy laws, and those which it has enacted have not met with general approval.

22. Money. — “*The Congress shall have power to coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures.*” The moneys (1) of the United States have always been gold and silver coins. But these have never been sufficient in amount to do the work required of a medium of exchange, and consequently, at various times, Congress has provided for temporary or *emergency* money to supplement these coins. These emergency moneys are (a) bank notes and (b) greenbacks or (c) other Treasury notes. Only Congress has the

power to coin money. The Constitution says that "no State shall have power to coin money, emit bills of credit, or make anything but gold and silver coin a tender in payment of debts." The unit of value is the dollar. At the present time the silver dollar contains $371\frac{1}{4}$ grains of pure silver. It has had this number of grains ever since the passage of the first coinage act on April 2, 1792. The gold dollar was first authorized to be coined in 1849, and its coinage was stopped in 1890. It had 23.2 grains of pure gold. The gold eagle, or ten-dollar gold piece, has 232 grains of pure gold. The other gold coins are a double eagle or twenty dollars, a half eagle or five dollars. The other silver coins are half dollars, quarters and dimes. *Standard* metal is the product after the pure metal has been mixed with copper or other alloy, which must be added in order to make the coin hard and unbending. It is from the standard metal that the coins are made. Each coin is now about nine tenths pure or "fine," and one tenth alloy. The standard silver dollar, therefore, contains $412\frac{1}{2}$ grains of standard silver, and the gold eagle 258 grains of standard gold. It will be observed that the silver dollar contains almost exactly sixteen times as many grains as the gold dollar. This is what is meant by the *ratio* of the coins being 16 to 1. The ratio was by the first coinage law 15 to 1, the law providing that "every fifteen pounds weight of pure silver shall be of equal value, in all payments, with one pound weight of pure gold." This ratio was changed in 1834 to 16 to 1, by decreasing the size of the gold coins, the gold eagle being reduced from $247\frac{1}{2}$ to 232 grains of pure gold. It could also be changed by increasing or decreasing the number of grains in the silver coins. (2) American citizens in settling the balances of their trade with foreigners often acquire the coins of other nations. Our Constitution says that Congress shall have power to *regulate* the value of these coins; that is, to declare

their relative value to our dollars. These foreign coins were formerly of great service in our domestic commerce. (3) The Congress can also fix the standard of *weights and measures*. It may declare how many inches shall be a yard, how many cubic inches shall be a bushel, or how many pounds shall be a bushel of wheat, but the States still regulate these matters in large measure, the Congress establishing such standards for use in collecting duties, but for few other purposes.

23. Counterfeiting. — “*The Congress shall have power to provide for the punishment of counterfeiting the securities and current coin of the United States.*” Counterfeiting is the making or uttering of spurious or imitation money or bank notes, Government bonds, and other public securities for the payment of money. It has been a crime in every age. Severe penalties are justly provided for counterfeiting in this country.

24. Postal Department. — “*The Congress shall have power to establish post offices and post roads.*” This has been done. A uniform system for carrying letters, papers and other small articles to any part of our country and also to foreign countries, has been provided. The head of this department is the Postmaster General. Under his supervision are many thousands of postmasters, postal clerks and mail carriers. The expenses of the department are largely met by selling stamps and by other small postal charges.

25. Patents and Copyrights. — “*The Congress shall have power to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries.*” America has surpassed almost all the rest of the world in inventing useful devices for man’s comfort and convenience, and for saving labor. This is largely due to

the fact that Congress, by appropriate laws, has provided for giving to the inventor of any useful article a *patent* which grants to him, for a term of years, the exclusive right to manufacture and sell his invention. A *copyright* secures to an author similar rights to the publication and sale of his writings.

26. Piracies.—“*The Congress shall have power to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.*” Piracy is robbery at sea. Pirates are usually a band of lawless persons, owning various kinds of vessels, that seize and rob ships loaded with valuable goods. Unless suppressed, they would destroy trade between nations.

27. To Declare War.—“*The Congress shall have power to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.*” The most civilized nations at times, for self-preservation, have been forced to go to war. Only Congress can declare war in this country. War is cruel and expensive and should never be declared except when the life or honor of the nation is in great peril. An incident of war is letters of marque and reprisal. Such letters are privileges given by the Government to private citizens to take the property of the enemy as a reparation for an injury committed by such enemy upon this country or its citizens.

28. Raising and Supporting Armies.—“*The Congress shall have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.*” To carry on war armies must be had. (1) These are usually *raised* by a call made by the President, in obedience to a law of Congress, upon the various States for volunteers. The four wars this country has had

prove that the volunteers from the farms and shops make the best soldiers, because the most intelligent, loyal and patriotic. If volunteer enlistments do not provide a sufficient army, Congress may direct a *conscription*, called during the Civil War a "draft." Then all men of military age, except a few by law exempt, are enrolled for army duty, and certain ones of them are chosen by lot and compelled to become soldiers or hire substitutes. (2) The armies are *supported* by money raised by taxation just as all other Government expenses are met, except that in times of war taxes are much higher and more things are taxed. (3) But lest an excited or reckless Congress should lay unnecessary and grievous burdens, or lest the army should get beyond the control of Congress, it is forbidden to appropriate money for carrying on a war for a *longer term than two years*. Of course, at or before the end of that time Congress may make other appropriations. The framers of the Constitution felt that a great army is always to be dreaded in a republic, and hence this provision is made so that the soldiers may be disbanded and sent to their homes when the war is over.

29. Providing a Navy.—"The Congress shall have power to provide and maintain a navy." A navy consists of warships and their officers and sailors. It fights the enemy on sea, as the army does on land. It protects the cities and inhabitants along the sea coast from a foreign foe. A navy is maintained by taxation just as is the army. Both the army and navy are governed by rules and regulations provided by Congress.

30. Insurrections.—"The Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions." This power has been exercised by Congress. Under it the Whisky Insurrection in Western Pennsylvania was suppressed

by President Washington, and under it the Civil War was in part carried on. If the people were to resist the decisions and authority of the courts, the President, aided by Congress, under this provision, could call on the regular army, or the militia of a State, in extreme cases, to enforce order and to maintain the authority of the Government. The Constitution also provides that the United States shall protect each State "against invasion and, on application of the Legislature or of the Executive (when the Legislature can not be convened), against domestic violence."

31. Militia.—"*The Congress shall have power to provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.*" In each State there is a military organization supported by the State. It is what is above called "militia." In this State it is by statute designated as the "Missouri National Guard." Its officers are appointed by the Governor, and it is trained and armed according to rules prescribed by Congress. Sometimes the militia are called into the United States service, and then they are governed by rules adopted by Congress.

32. Military Posts and the District of Columbia.—"*The Congress shall have power to exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States; and to exercise like authority over all places purchased, by consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful*

buildings.” This clause simply means that Congress shall have the absolute control over the District of Columbia, where is the capital or “seat of government,” and over such military posts as Jefferson Barracks near St. Louis, and over Government buildings, such as post offices, court houses, and custom-houses. It is usual for the States, in giving their consent to the acquisition by the United States of lands for these purposes, to reserve the right to make arrests and to otherwise serve civil and criminal process thereon. But no State has a right to tax any such buildings or lands, and aside from the exceptions named, the States have no authority over such places.

33. To Make Other Laws.—And “*The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.*” This clause seems to give to Congress an undefined limit to its powers. It says that Congress shall have power to pass any laws which may be deemed necessary and proper for enforcing the powers already recited in this chapter, but it leaves to the Government itself the right to determine what is “necessary and proper.” It was, in part, because of the wide latitude given by this language that the first ten amendments were added to the Constitution, which recite in a few words certain powers that the Government shall not undertake to exercise. These amendments do not contradict the Constitution as originally framed; they simply make more definite the powers of the Government and the rights of the citizen.

Questions on Chapter IV.

1. What body originates laws? (17)
2. What checks on Congress in reference to laws? (17)
3. And on the President and the courts? (17)
4. What powers has Congress in reference to revenue? (18)
5. Where do revenue bills originate? (18)
6. What is revenue? (18)
7. What is it used for? (18)
8. How raised? (18)
9. What is a tariff? (18)
10. A protective tariff? (18)
11. A revenue tariff? (18)
12. What is internal revenue? (18)
13. What body can borrow money? (19)
14. What are bonds? (19)
15. How paid? (19)
16. How many and what kinds? (19)
17. What are greenbacks? (19)
18. What is the amount of the national debt? (19)
19. What is said about regulating commerce? (20)
20. How is trade with foreign nations regulated? (20)
21. What is said about naturalization and bankruptcies? (21)
22. What is naturalization? (21)
23. What is a bankruptcy law? (21)
24. What power has Congress as to moneys? (22)
25. What have always been moneys? (22)
26. What power has a State over money? (22)
27. Name emergency moneys? (22)
28. The unit of value? (22)
29. How many grains in the silver dollar? In the gold dollar? (22)
30. What are the other gold coins? (22)
31. What are the other silver coins? (22)
32. How do you get the ratio of 16 to 1? (22)
33. How was the ratio changed? (22)
34. How may it be changed? (22)
35. How does Congress regulate foreign coins? (22)
36. How fix a standard of weights and measures? (22)
37. What is counterfeiting? (23)
38. What is said about the postal system? (24)
39. What does the Constitution say about patents? (25)

40. What are patents? (25) What are copyrights? (25)
41. What does the Constitution say about piracies? (26)
42. What are pirates? (26)
43. What only can declare war? (27)
44. What is said of war? (27)
45. What are letters of marque and reprisal? (27)
46. How does Congress raise armies? (28)
47. How support them? (28)
48. For how long? (28)
49. What is a navy? (29)
50. What does the Constitution say about creating a navy? (29)
51. What does it say about insurrections? (30)
52. How has this power been exercised? (30)
53. What does it say about militia? (31)
54. What are the Missouri militia called? (31)
55. What does it say about District of Columbia, etc.? (32)
56. And the power of Congress to make other laws? (33)
57. What have you to say about this? (33)

Topical Outline of Chapter IV.

THE POWERS OF CONGRESS.

1. Checks. { 1. Constitution.
2. President.
3. Courts.
2. To Raise Revenue. { 1. Tariffs.
2. Excises.
3. To Borrow Money. { 1. Bonds.
2. Greenbacks.
3. Other Treasury Notes.
4. To Regulate Commerce. { 1. Custom-houses.
2. Ports.
3. Collectors.
5. Naturalization.
6. Bankruptcies
7. To Coin and Regulate Money. { 1. Coins.
2. Emergency Money.
3. Weights, etc.
8. Postal Department.
9. Patents and Copyrights.
10. Piracies.
11. To Declare War.
12. Armies.
13. Navies.
14. Insurrections.
15. Militia.
16. Military Posts, etc.
17. To Make Other Necessary Laws.

CHAPTER V.

LIMITATIONS UPON THE POWERS OF CONGRESS.

34. **General Remarks.**—There is a tendency in all governments, as they become great and strong, to draw unto themselves powers that make them tyrannical and oppressive. This is the natural temptation of great power. It must be guarded against. It was to guard against this danger that Congress and the States were forbidden by the Constitution to do certain things. The most of these prohibitions are enumerated in this chapter.

35. **Habeas Corpus.**—“*The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.*” Where one has been improperly imprisoned before trial, or is deprived of his liberty contrary to law, he is entitled to the writ of *habeas corpus*. If he has been convicted under a law that is unconstitutional or that has been repealed, he can apply to the higher court for relief without the delay and expense of an appeal. These words, *habeas corpus*, are Latin words meaning, “Have you the body,” and the writ of *habeas corpus* is a summons to a sheriff or marshal directing him to produce the body or person of the accused before the court forthwith, and then the court at once decides whether one can be imprisoned or deprived of his liberty under the charge on which the accused is held. The court does not decide the question of his guilt or innocence; it simply decides whether or not the law will permit one to be punished for doing that which the accused is charged with having done. This is an honored writ in all higher American courts, and that fact is a proof of the steadfast regard of our Government for liberty and human rights.

36. Bills of Attainder and Ex Post Facto Laws.

“*No bill of attainder or ex post facto law shall be passed*” either by Congress or by any State. A bill of attainder is a legislative act that inflicts punishment without judicial trial. It is a bill, brought into Congress or a Legislature, that condemns to punishment the person named, without a sentence or trial of a court. It may affect the life of an individual, or it may confiscate his property, or both. Formerly bills of attainder were passed by Parliament in England, and the person thus punished was said to be attainted; that is, his blood was said to be corrupted, he could neither acquire property nor transmit it to his children, and he was denied the protection of the laws. Such a bill would be contrary to the Constitution. No humane people would uphold it. It is an instrument of oppression and tyranny. *Ex post facto* laws are equally unfair. They make an act a crime against which there was no law when the act was committed. They declare certain conduct to be criminal and provide punishment for any person who has been guilty of that conduct at any time in the past. The United States Supreme Court has declared the laws of some States to be *ex post facto* laws. It so declared the test oath sections of the Constitution of Missouri of 1865, which provided that men, who in the past had been guilty of certain things, could not preach, practice law, or follow certain other pursuits.

37. Capitation Tax.—“*No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.*” This is an extensive prohibition. A capitation tax is so much tax for each inhabitant. A direct tax is one levied upon the property itself, like a tax on land for instance. The State can levy such taxes as these, but the Congress can not, unless

it first apportions to each State its share of the whole amount to be raised, according to the number of inhabitants thereof.

38. Exports and Commercial Relations.—Congress can not assess duties against *exports*. All products shipped out of this country go out free of charge. The Constitution provides that *trade among States* shall be absolutely free; that is, that no State can impose any tariff or other duties upon goods coming into it from another, and that no vessel bound to or from one State is obliged to clear, enter or pay duties in another. But Congress does undertake to regulate the charges by railroads, for shipping commodities from one State to another, and for this purpose it has passed interstate commerce laws, and established the Interstate Commerce Commission to see that illegal charges are not made.

39. Using Public Money.—“*No money shall be drawn from the Treasury but in consequence of appropriations made by law.*” The money in the Treasury has been taken from the people to support the Government, and it is a crime to use it for any other purpose than as Congress directs.

40. Titles of Nobility and Presents.—“*No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office or title, of any kind whatever, from any king, prince or foreign State.*” (1) Titles of nobility are such as lord, earl, duke, sir, baron, count, princess, and duchess. In other countries they are granted by the monarch. Here they are forbidden. This is the natural sequence of our doctrine of equal rights. To recognize them by law would be to create ranks among the people, one with higher

privileges than another. (2) An officer of the Government can not accept *presents* from a foreign nation or any officer thereof without consent of Congress. To do so might lessen his loyalty to his own country. All American officers are servants of the people and they are to so conduct themselves as to render the people the best service possible. If they could freely accept of lavish presents from foreign nations, their affections might be divided between such nations and their own country.

41. Religious and Civil Liberty.—The 1st Amendment to the Constitution is: "*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*" Prior to the Revolutionary War the citizens of some of the colonies had been taxed to maintain a church which had been imposed upon them by a foreign government to which they were subject. This part of the Constitution absolutely prohibits such taxation. But on the contrary it allows all men to adopt and practice such religion as they may severally choose. It, then, entirely separates Church and State. Freedom of speech, freedom of the press, freedom of assemblage, and freedom of remonstrance are some of the tests by which a people's liberty is measured. Most of the States have laws on these subjects, by which such freedom is narrowed to bounds of decency. If the speech of a citizen or the writings of an editor become so indecent and slanderous as to be libelous, he may be sued for damages, and in extreme cases, fined and imprisoned. But unless one's speech or writing disturbs another's peace, or is so indecent and false as to amount to malicious libel, or is obscene, the courts will not punish him for crime, but will

permit the injured party to seek redress for the injury done him by a suit for damages.

42. Right to Bear Arms.—“*A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.*” This is the IInd Amendment. It permits a citizen to carry a gun for any lawful purpose, or to keep it in his house, but it also permits the enforcement of laws that prohibit the carrying of concealed weapons.

43. Quartering Soldiers.—“*No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.*” This prohibition is the IIIrd Amendment, and is in keeping with the old law maxim that “a man’s home is his castle”—a place that is not to be invaded except by lawfully authorized officers or soldiers. It is also in keeping with the Constitution of Missouri that declares that the military shall be in strict subordination to the civil power. This is right. A soldier is a man armed for the purpose of upholding the Government, but the Government is for the purpose of protecting the citizen in his rights.

44. Personal Security.—The IVth Amendment applies to peace officers and courts, almost as the IIIrd applies to soldiers. It is: “*The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.*” Officers are for the purpose of preserving the peace, not disturbing it. No private person can be molested, in anywise, by any officer, unless he has violated some law or unless there is a

probable cause for believing he has; and if any officer is guilty of oppression, or of unlawfully making arrests, he is liable to be removed from office and to be made to pay for the damages done.

45. Excessive Punishments.—The VIIIth Amendment is: “*Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.*” (1) Bail is the security or bond given by one who has been arrested for crime, that he will, if released for the present, appear at the place and time fixed for his trial. If he cannot give bail, he is committed to jail to await trial. If he gives bond and flees, his bond is forfeited. All except the very highest crimes, areailable offenses in America. (2) Branding persons with hot irons, cutting off their ears and pressing their thumbs in a vice are cruel punishments, and are not permitted.

46. Rights Retained.—The IXth Amendment is: “*The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.*” This article clearly recognizes that the people are the source of the Government’s power. It says that they have other rights besides those recited in the Constitution, and that the fact that certain of their rights are enumerated therein should not be held to deny them others not so enumerated; for there are certain rights retained by the people. There it is in the organic law, and there it will remain forever, unless the people voluntarily surrender it. What a high heritage is our Constitution!

47. Reserved Powers.—“*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*” This is the Xth Amendment. The Union is

under the same obligation to refrain from trespassing upon the powers retained by the States, that the States are to submit to the powers delegated to the Union. Neither has the right to deny or trespass upon the powers of the other. Our dual form of government—by the States and by a Union of the States—conserves the peace of society and preserves the rights of the citizen far better than either the State or Union alone could do. Both are necessary.

48. Slavery Prohibited.—“*Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.*” This is the XIIIth Amendment, and was proclaimed ratified December 18, 1865. Had it been put into the original Constitution the Civil War would never have been fought, but had the Constitution contained such a clause it is doubtful if the Union could ever have been formed. Nothing was said about abolishing slavery by the convention that framed it. On the contrary, the Constitution contained a provision, which, by this amendment, has been repealed, that Congress could not prohibit the importation of African slaves prior to 1808, and declared that this provision could not be amended until after that time. But the abolition of slavery has removed the only serious conflict that ever existed between the States and the Union, and now their relations promise only peace and harmony for the future. John B. Henderson, then United States Senator from Missouri, was the author of the XIIIth Amendment.

Questions on Chapter V.

1. What is the tendency of governments? (34)
2. How is this tendency met by the Constitution? (34)
3. What does the Constitution say about *habeas corpus*? (35)
4. Explain what is meant by *habeas corpus*? (35)
5. What is the next prohibition? (36)
6. What is an *ex post facto* law? (36)
7. Give an example of *ex post facto* law. (36)
8. Are such laws just? (36) Why? (36)
9. What taxation is denied the Union? (37)
10. What is a capitation tax? (37)
11. What is a direct tax? (37)
12. Can a State levy such taxes? (37)
13. How about trade among the States? (38)
14. Can Congress regulate railroad rates? (38)
15. How can money be taken out of the Treasury? (39)
16. What is the next prohibition? (40)
17. Name some titles of nobility? (40)
18. Why are they prohibited here? (40)
19. Why are presents to officers prohibited? (40)
20. What is Amendment I? (41)
21. Can you be taxed to support a church? (41)
22. What religion can you exercise? (41)
23. Does this amendment apply to laws made by the States? (41)
24. What abridgments of speech and press are there? (41)
25. What is Amendment II? (42)
26. Can the carrying of concealed weapons be prohibited? (42)
27. What is Amendment III? (43)
28. What can you say about it? (43)
29. For what purpose is a soldier? (43)
30. For what purpose is the Government? (43)
31. What is Amendment IV? (44)
32. What is Amendment VIII? (45)
33. What have you to say about cruel punishments? (45)
34. What is Amendment IX? (46)
35. What is the source of our Government? (46)
36. How can this be taken from them? (46)
37. What is Amendment X? (47)
38. What mutual obligations of Union and States? (47)

39. Are we weaker or stronger because of dual government? (47)
40. What is Amendment XIII? (48)
41. When was it proclaimed? (48)
42. Suppose it had been put into the original Constitution? (48)
43. But could the Union have been formed? (48)
44. What provision on slavery had the Constitution? (48)
45. Who was the author of Amendment XIII? (48)

Topical Outline of Chapter V.

LIMITATIONS UPON THE POWERS OF CONGRESS.

1. *Habeas Corpus*.
2. Bills of Attainder.
3. *Ex Post Facto* Laws.
4. Capitation Tax.
5. Direct Taxes.
6. Export Duties.
7. Interstate Commerce.
8. Using Public Money.
9. Titles of Nobility.
10. Religious and Civil Liberty.
11. Right to Bear Arms.
12. Quartering Soldiers.
13. Personal Security.
14. Excessive Punishments.
15. Rights Retained by the People.
16. Reserved Rights of the States.
17. Slavery Prohibited.

CHAPTER VI.

THE EXECUTIVE DEPARTMENT.

49. **The President.**—“*The executive power shall be vested in a President of the United States of America.*” He is the chief officer of the Government. His term is four years and he is eligible to reelection as often as the people may desire to elect him. No man has ever been President longer than two terms.

50. **His Qualification.**—He must be a natural born citizen of the United States, at least thirty-five years old, and have been for fourteen years a resident within the United States. The qualifications of the Vice-President are the same. He and the President can not be citizens of the same State.

51. **Vacancy and Salary.**—In case of the death or removal or resignation of the President, the office devolves on the Vice-President, who fills out the remainder of his term. If both should die, the vacancy is filled by the members of the President's Cabinet in the order of their rank, beginning with the Secretary of State. The President's salary can not be increased or diminished during the period for which he was elected. At the present time this salary is \$50,000 per year, and besides this amount the appropriations made for supporting the executive mansion amount to about \$65,000, but the President receives no part of such appropriations.

52. **How Elected.**—The people do not vote directly for the President and Vice-President. They are elected by electors chosen by the people of the respective States, each

State being entitled to as many electors as it has Senators and Representatives in Congress. These electors are chosen by the vote of the people, on the first Tuesday after the first Monday in November in each leap year and each centennial year. They meet in their respective States and vote by ballot for President and Vice-President, and make a list of all persons voted for as President and a separate list of those voted for as Vice-President, and of the number of votes for each, and send such list, sealed, to the president of the Senate, which officer in the presence of the Senate and House opens the lists and causes the votes to be counted. The person who has the majority of all the votes cast for President is declared elected. If no person have such majority, the election of a President then devolves on the House of Representatives, the vote being taken by States, each State being entitled to one vote, and the person who receives the vote of a majority of the States is declared elected, and if no person receive such majority by the fourth of March the Vice-President shall act as President till the House does elect. When the election devolves on the House its choice must be made from the persons, not exceeding three, who received the highest number of the votes of the electors. Twice since the formation of the Union the President has been elected by the House of Representatives. The first time was in 1801, when Thomas Jefferson was elected, and the next was in 1825 when John Quincy Adams was chosen by that body. If no person receive a majority of the electoral votes cast for Vice-President, the election devolves on the Senate, which makes choice from the two highest numbers on the list, and the person receiving the vote of a majority of all the Senators shall be Vice-President. This method of electing the President is prescribed in *Amendment XII*, which was declared ratified September 25, 1804. It was adopted because of the unsatisfactory method prescribed by the original Constitution. By

that method each Presidential elector voted for two candidates for President on the same ballot, and the one who obtained the highest number of votes, if such were a majority, was to be President, and the person obtaining the greatest number of votes after the choice of the President was to be Vice-President, whether such number were a majority of the electoral vote or not. In 1789 John Adams received 34 votes for Vice-President, when the total number of electors was 73, yet according to the Constitution, as it was then, he was elected. In 1800 Thomas Jefferson and Aaron Burr each received 73 votes, which was the highest number of votes received by any candidate. The election of a President, therefore, devolved on the House of Representatives. Had the electors been permitted to vote for one person for President, and another for Vice-President, the electoral college would have made a choice. Before the election in 1804 the XIIth Amendment was adopted, according to which Presidents and Vice-Presidents have since been elected.

53. Powers and Duties.—The President shall be (1) commander-in-chief of the army and navy. (2) He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur. (3) He shall appoint ambassadors, ministers, consuls, judges of the Supreme Court, and all other officers of the United States whose appointment is not otherwise provided for, but such appointments must be made by and with the advice and consent of the Senate; that is, they must be confirmed by that body to be valid; and Congress, by law, may vest the appointment of inferior officers in the President alone, in the heads of the departments, or in the courts. (4) He shall, by message or otherwise, give to the Congress information of the state of the Union, and (5) recommend to their consideration such measures as he shall judge necessary. (6) He may, on extraordinary occasions, convene both

houses, or either of them, in extra session, and (7) if they can not agree upon a time of adjournment, he may adjourn them to such time as he may think proper. (8) He shall receive ambassadors and other public ministers from other nations. (9) He shall take care that the laws be faithfully executed, and he (10) shall commission all officers of the United States.

Questions on Chapter VI.

1. In whom is the executive power vested? (49)
2. What is he? (49)
3. What is his term? (49)
4. Can he be reelected and how often? (49)
5. The longest period of any Presidency? (49)
6. What are his qualifications? (50)
7. What are the qualifications of Vice-President? (50)
8. What about residence of Vice-President? (50)
9. Who fills vacancy in Presidency? (51)
10. What about changing his salary? (51)
11. What is it? (51)
12. How and when are the President and Vice-President elected? (52)
13. Suppose no person has a majority of the electoral votes? (52)
14. How does the House vote for President? (52)
15. What votes must he obtain there? (52)
16. Was any President ever chosen by the House? (52)
17. Suppose no Vice-President is chosen by the electoral college? (52)
18. What is first power given the President by the Constitution? (53)
19. What is the second? (53)
20. By whom must treaties be approved? (53)
21. What is the third power given him? (53)
22. Can the power of appointment be taken from him? (53)
23. Can he appoint whom he pleases? (53)
24. What are the fourth and fifth powers given him? (53)
25. May he convene and adjourn Congress? (53)
26. What is the eighth privilege given him? (53)
27. What is his chief duty? (53)
28. And whom does he commission? (53)

Topical Outline of Chapter VI.

THE PRESIDENT.	{	1.	Term.	
		2.	Qualifications.	
		3.	Vacancy.	
		4.	Salary.	
	{	5.	How Elected.	{ 1. Electors. [tives. 2. House of Representa-
		6.	Powers and Duties.	
		7.	Vice-President.	

CHAPTER VII.

THE JUDICIAL DEPARTMENT.

54. Where Vested.—“*The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.*” The *Supreme Court* consists of a Chief Justice and eight associate justices, and this number may be increased by Congress. All its sessions are held in Washington. Its jurisdiction is almost entirely appellate; that is, causes are not begun in it, but in an inferior court, and taken to it by appeal. *Habeas corpus* cases, however, may originate in this court, as may, also, cases affecting ambassadors, other public ministers and consuls, and those in which a State is a party. The *inferior courts* are of three kinds, and all were established by Congress. They are the District Courts, the Circuit Courts and the Circuit Courts of Appeals. All these of course are different from courts of similar names existing by reason of State law. They are sometimes called “Federal Courts,” while the others are called “State Courts.” (1) The *District Courts* are trial courts for cases involving violations of the criminal and penal statutes of the United States, and cases of admiralty and maritime jurisdiction. It is in them that many Federal

causes are begun. Each has a judge, who is aided by a grand jury and a petit jury. There are sixty-three of them in the whole country, and two in the State of Missouri, and sessions of these courts are held at St. Louis, Jefferson City, Kansas City, St. Joseph, Hannibal and Springfield. Next to the District Courts are (2) the Circuit Courts. The United States are arranged into nine judicial circuits. In each are held sessions of the Circuit Court, which may be held by one of the justices of the Supreme Court, the Circuit Judge or the District Judge of the district, for the trial of civil causes or other causes. For each circuit there is, also, (3) a Circuit Court of Appeals, the judges of which are the same Supreme Court justice, the Appeal Judge of the Circuit, and one Circuit Judge. To this court cases are taken by appeal from any part of the circuit. (4) The *Court of Claims*, composed of five judges, sits in Washington to pass upon claims against the United States. Under the law the Government can not be sued. But it frequently happens that the Government becomes indebted to someone who has rendered it service, or to one whose property it has appropriated, or damaged. This court investigates such claims, and if it finds them just it so reports to Congress, which usually, but not always, makes an appropriation from its revenue to pay them. But the Congress has the power to refuse such payment, and neither the President nor any court can compel Congress or any officer to pay any claim against the Government.

55. Necessity for a Judiciary.—The lack of a judiciary system was the great weakness of the Articles of Confederation, which the Constitution supplanted. They left to the State courts the duty of enforcing the laws passed by Congress. The result was that one State would decide a law to be in force, and another would decide that it was not. This produced confusion and made the laws of Congress of

little value. They were enforced only in those States most desirous of having them and not in those where most needed. The framers of the Constitution, therefore, wisely determined that the Union needed courts of its own to interpret its laws, and that the decisions of such courts should override conflicting decisions of any State courts.

56. Check on Congress.—The Supreme Court is a constant check on Congress. That body may pass a law which this court may easily nullify by declaring it unconstitutional, and if the President after that persists in enforcing it the Congress may impeach him for so doing. It is the special duty of this court to guard the Constitution. It must decide that all laws in conflict with it, however much desired by Congress, are null and void.

57. Tenure of Office.—Judges of all Federal courts are appointed by the President, by and with the advice and consent of the Senate. If the Senate refuse to confirm the President's appointment, he makes another selection. If the Senate approve his appointment, the judge holds office "during good behavior;" that is, he holds office for life, unless he voluntarily retires or is removed. For corruption or oppression in office he may be impeached by Congress and removed; and for private crimes he may be tried as any other citizen. But aside from these exceptions, he may hold office during life. If he desires, at the age of seventy years he can retire, if he has served fourteen years, and his salary continues until his death. It was supposed that if such a provision were made for these judges they would be independent and free to do right, without fear or favor, and the same idea led to the provision that the salary of no judge shall be diminished while he remains in office. His salary may be increased, but it can not be made less than it was at the time of his appointment.

58. Salaries.—The Chief Justice receives \$10,500 per year; the other justices of the Supreme Court, \$10,000 each. The smallest salary paid to a district judge is \$3,500, and usually the amount is \$5,000 or \$6,000. The judges of the Circuit Courts and of the Circuit Courts of Appeals receive \$6,000 per annum. All judges are entitled to necessary traveling expenses.

59. Jurisdiction of What Causes.—Usually the Federal courts have nothing to do with disputes between citizens of the same State, nor with punishing violations of the laws of any particular State. They concern themselves mostly with disputes between different States and disputes between citizens of different States. They also settle disputes between steamship companies, passengers and shippers, and concerning treaties, consuls, and ambassadors. In determining the citizenship of a company which has a railroad running through several States, the courts hold that it is a citizen of that State from which it holds its charter of incorporation.

Questions on Chapter VII.

1. Where is the judicial power vested? (54)
2. How many Supreme Court judges? (54)
3. What is the presiding officer called? (54)
4. What kind of jurisdiction has it? (54)
5. How many kinds of inferior courts? (54)
6. Name them. (54)
7. What are these sometimes called? (54)
8. Describe the district courts? (54)
9. What the next courts above district courts? (54)
10. How many of each and by whom held? (54)
11. What is said of the Court of Claims? (54)
12. What was the weakness of the Articles of Confederation? (55)
13. What supplanted these Articles? (55)
14. What were some of the results under the Articles of Confederation? (55)

15. How can the Supreme Court be a check on Congress? (56)
16. What is the special duty of this court? (56)
17. How long does a Federal judge hold office? (57)
18. Can he retire? (57)
19. What was the purpose of these provisions? (57)
20. How can a judge's salary be decreased? (57)
21. What are the salaries of judges? (58)
22. Does a Federal court try purely State cases? (59)
23. What disputes do they settle? (59)
24. Of what State is an interstate railroad a citizen? (59)

Topical Outline of Chapter VII.

THE JUDICIAL DEPARTMENT.

1. Supreme Court.
2. District Courts.
3. Circuit Courts.
4. Circuit Courts of Appeals.
5. Court of Claims.
6. Necessity For.
7. Check on Congress.
8. How Appointed.
9. Tenure of Office.
10. Salaries.
11. Jurisdiction.

CHAPTER VIII.

LIMITATIONS ON THE COURTS.

60. **General Remarks.**—In *Chapter V* limitations imposed by the Constitution on the powers of Congress and Legislatures to pass certain kinds of laws were discussed. We now consider the limitations on the authority of the courts. They are found in the Constitution and were imposed for the purpose of protecting all peaceable citizens in their “right to life, liberty and the pursuit of happiness.”

61. **Indictment by Grand Jury.**—“*No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger.*” This is a part of Amendment V. A grand jury in most State courts is composed of twelve citizens, but in a Federal court it consists of “not less than sixteen nor more than twenty-three persons.” They meet in secret session, under oath, and inquire of witnesses summoned before them if a crime has been committed, and if so they draw up and present to the court a formal charge called an indictment, which specifically describes the crime committed. The VIth Amendment says that “the accused shall enjoy the right to be previously informed of the nature and cause of the accusation,” and this indictment is for that specific purpose. Such a procedure gives the accused person a chance to meet and overthrow the charge, if false. An “infamous crime” or a *felony* is a crime punishable by death or imprisonment in a penitentiary, and before one can be convicted

of such a crime in a Federal court, he must first be indicted by a grand jury.

62. Twice in Jeopardy.—“*Nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb.*” This means that when the accused has once been acquitted by a trial jury he can never be tried again for the same offense, however much testimony may be found against him. He may be tried again and again until the jury finally agrees upon a verdict, but when that has been done he can not be tried again except on his own motion for a new trial; if acquitted, of course he will never ask for a new trial. Nor is an acquittal always necessary. Technically speaking, one is in jeopardy when he is put upon his trial upon a valid indictment before a jury properly sworn and charged with his deliverance. So that conditions other than an acquittal may arise in the progress of a trial, that make it impossible to further prosecute the accused.

63. Self-Conviction.—Another part of the Vth Amendment is: “*No person shall be compelled in any criminal case to be a witness against himself.*” The accused person may, if he choose, testify in his own behalf, and if he does that, the State has the right to cross-examine him, so as to test the truthfulness of his story; but he can not be produced by the prosecution as a witness and tortured into testifying against himself. He must voluntarily do so, or not at all.

64. Due Process of Law.—The Vth Amendment continues: “*No person shall be deprived of life, liberty or property without due process of law.*” “Due process of law” means according to the settled course of proceedings in court. In felony cases it means trial by a jury and the right to compel the attendance of witnesses in one’s own behalf and to be confronted by the accusing witnesses in

open court; in civil cases at law it means trial by a judge and jury, if the amount involved is over twenty dollars and either party demands a jury; in equity cases it means a trial by the judge alone. It means all the necessary elements that enter into a fair trial.

65. Private Property for Public Use.—The last clause of Amendment V is: "*Nor shall private property be taken for public use without just compensation.*" One of the purposes of the Government is to compel men to respect the rights of others to enjoy their property; but to do this it must itself show that it respects the rights of its citizens to their own. Hence, it can not take the property of any citizen without paying him what it is worth.

66. Fair Trials.—The VIth Amendment is: "*In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district whercin the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.*" (1) A trial by a jury of the district where the crime is committed has two advantages. In the first place, it adds to the strength of society to impose on the people of the community where a crime has been committed the duty of restoring order. In the next place, the citizens of the district are less likely to be prejudiced against the accused, and less likely to be indifferent to his rights, than those far away. (2) A just government will insure accused persons a *speedy trial*. In some countries men are thrown into prison for small offenses and kept there without trial ten or twenty years and even a lifetime. No one knows whether they are

guilty or not, and as a result the people look upon the government as cruel and oppressive. A trial should not be so postponed as to deprive society of protection against criminals, nor yet be so hurried as to deny the accused a fair trial. (3) All trials should be *public*. If they could be conducted in secret the enemies of the accused might so manipulate things as to condemn him out of hate, and not for violating a law of the land. When the trial is public, and speedy, and the accused is condemned by an impartial jury of his own community, in the choosing of which he had something to do, justice is more likely to be done and the good of society conserved. (4) The accused has the right to be *confronted with the witnesses against him*. They meet each other face to face at the trial. He can not be tried in his absence. If he escapes, the trial must be postponed until he is captured and brought into court. This is necessary, lest some advantage be taken of him in his absence. (5) The court will also *compel witnesses in his favor*, if their testimony is shown to be material and valuable to him, to come into court and testify, whether he be able to pay their expenses or not. (6) The accused is also entitled to a lawyer or *counsel* to assist in his defense. If he is poor and unable to employ counsel, the court can compel members of the bar to defend him. All these privileges are guaranteed to one liable to have his life or liberty or property taken from him by the court, which is an arm of the Government. The law must avoid every form of cruelty and oppression. It needs no victims to prove its strength or authority. But if, in spite of all the advantages for proving his innocence, an impartial jury of his countrymen declare him guilty as charged in the indictment, the accused must be punished in order to protect law-abiding citizens in the peaceable enjoyment of their right to life, liberty and property.

Questions on Chapter VIII.

1. Why were limitations imposed on the powers of courts?
(60)
2. Where are these limitations found? (60)
3. What does the Constitution say about indictments? (61)
4. What is a grand jury, and an indictment? (61)
5. What does Amendment VI say of the right of the accused?
cused? (61)
6. What is a felony? (61)
7. What is said about "twice in jeopardy?" (62)
8. What does it mean? (62)
9. Can an accused person be compelled to incriminate himself?
(63)
10. What does the Constitution say about due process of law?
(64)
11. What do you think that means? (64)
12. Can private property be taken for public use? (65)
13. How? (65)
14. Tell in your own words what Amendment VI says? (66)
15. From what district should juries be chosen? (66)
16. Why? (66)
17. What is said about speedy trials? (66)
18. And public trials? (66)
19. Of witnesses and the accused confronting each other? (66)
20. Of compulsory process for witnesses? (66)
21. And of his right to counsel? (66)
22. When and why must the accused be punished? (66)

Topical Outline of Chapter VIII.

LIMITATIONS ON COURTS.	{	1. Indictments.	{	1. By Grand Jury.
				2. For Felonies.
		2. Twice in Jeopardy.		
		3. Self-Incrimination.		
		4. Due Process of Law.		
		5. Public Use of Private Property.		
	{	{	1. Jury	1. Impartial.
				2. Of State or District.
			2. Speedy.	
			3. Public.	
			4. Confronted With Witnesses.	
			5. Compulsory Attendance of Witnesses.	
			6. Counsel.	
		6. Fair Trials		

CHAPTER IX.

MISCELLANEOUS PROVISIONS.

67. General Provisions.—The Constitution provides that citizens of each State shall be entitled to all the privileges of citizens of the several States. This means that a citizen of any other State in coming into Missouri shall have the same rights concerning his life, liberty, and property as a citizen of Missouri has. The courts enforce contracts between a citizen of another State and one of this State with the same impartial exactness that they do a contract between two citizens of this State. This clause protects the right of a citizen of one State to pass into any other State in the Union for the purpose of engaging in lawful commerce, or of acquiring personal property or land therein, or of maintaining actions in its courts of law, and also exempts him from higher taxes than are imposed by the State upon its own citizens.

68. Fugitives From Justice.—Sometimes persons charged or convicted of crime in one State escape to another. The Constitution requires that they be delivered up upon a requisition from the Governor of the State from which they have fled. If this were not the case crimes would rapidly increase. If the criminal could escape to another State and could not be brought back, he would practically be free. But this law insures his return for trial. What are called *extradition treaties* in like manner insure the return of criminals escaping to foreign countries.

69. New States.—A part of Section 3 of Article IV of the Constitution is: "*New States may be admitted*

by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress." Twelve States took part in framing the Constitution, and ten of these had adopted it at the time George Washington was elected President in 1789. Rhode Island declined to send delegates to the Constitutional Convention, and did not adopt the instrument for thirteen months after the first President was inaugurated. North Carolina had not adopted it at the time of his inauguration, and New York took no part in his election. But by May 29, 1790, all the thirteen original colonies had adopted the Constitution, and on January 19, 1791, Vermont was admitted to the Union, being the first of the "new States." Since then thirty-one others have been admitted, and now the whole number is forty-five, the last admitted being Utah. Both Kentucky and West Virginia were formed into new States from territory formerly embraced within the jurisdiction of Virginia. And the Platte Purchase, which, prior to 1836, had not been embraced within the jurisdiction of any State, was added to Missouri long after this commonwealth had been admitted to the Union.

70. Public Lands.—"*The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.*" The Government from the beginning has encouraged its citizens to buy its lands and make for themselves homes. The usual price of the best land in a State like Missouri was \$1.25 per acre, but swamp and saline lands were sold for much less. The sales of these lands were made through the General Land Office at Washington, which issued to each purchaser a *patent*, or a written notice,

signed by the President, that the Government would protect the purchaser against the claims of all other persons. A United States patent, therefore, is the best basis one can have for a title to his land. In addition to the General Land Office, there are local land officers for the various districts in which the Government has land for sale.

71. Oath of Office.—*“The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.”* (1) The *oath* prescribed by the Constitution for the President is in these words: “I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States.” The wording of the oath for other officers varies according to their duties, but such oath always includes a pledge to support the Constitution of the United States. Some persons, as for instance the Quakers, on account of their religious beliefs, will not take oaths, and hence they are required to “solemnly affirm.” (2) The Constitution does not permit Congress to prescribe a religious test for office. The Government can not interfere with any man’s religion. He can not be denied office simply because he adheres to certain religious teachings, nor because he is not a member of any religious denomination.

72. The Supreme Law.—A part of Article VI is: *“This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United*

States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.” By this clause each State is bound to yield obedience to everything in the Constitution, and also obedience to any law of Congress if that law is not in conflict with the Constitution. Not only must each State yield obedience to such laws, but it must also be submissive to the Government’s paramount authority if that authority conforms to constitutional laws; and it must not be forgotten that the Supreme Court of the United States is given the authority to decide whether a law is constitutional or not.

73. Inhibitions Upon States.—“*No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.*” (1) No State is permitted to keep a standing army or maintain a navy in time of peace. But this prohibition does not deny to a State the right to train its militia, as we have seen in Section 31. One purpose of the Union was to “insure domestic tranquillity.” It is the province of the Union to settle disputes and conflicts among the States. If a State were permitted to keep a standing army and navy, it might, in times of excitement, be tempted to go to war with a sister State. The Constitution provided that conflicts between States might be settled by the Supreme Court. (2) No State has the right, without the consent of Congress, to enter into a compact or agreement with another State or with a foreign nation for any purpose, for such a right, if exercised, might lead the State to dispute the paramount authority of the Union.

74. Citizenship.—“*All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside.*” The main purpose of this clause, which is a part of the XIVth Amendment, ratified in 1868, was to extend citizenship to persons formerly slaves and their descendants. It does not extend citizenship to an Indian, although born within the United States, because he is not supposed to be “subject to the jurisdiction thereof.” A person must reside in a State to be a citizen thereof, but it is only necessary that he should be born or naturalized in the United States and be subject to their authority, to be a citizen of the Union. He may reside abroad and still be a citizen of the United States.

75. Equality of Citizenship.—“*No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.*” This is the remaining part of the first section of Amendment XIV. It prohibits any State by law or by official action from discriminating among its citizens. It does not prohibit private citizens from refusing to give to certain persons the same accommodations at hotels, in public conveyances and at places of public amusement as are enjoyed by others. But it does prohibit any State from denying to any citizen the right to hold office or of being a juror, because of his color or place of nationality. It brings the individual citizen within the protection of the Federal courts, so as to protect him from all State action which would deprive him of life, liberty or property without due process of law. It makes the Supreme Court of the United States the final arbiter upon all questions as to the constitutionality of legislative and other acts of the

States in so far as they affect the citizen in his life, liberty or property, or deny to him the protection such acts guarantee to other persons.

76. Universal Suffrage.—The XVth Amendment, proclaimed ratified March 30, 1870, is in these words: "*The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.*" This is the last Amendment. It was made to secure to former slaves and their descendants the right to vote. In some cases, however, legislatures have adopted an educational qualification for voting, and such tests have not been held in conflict with this Amendment.

Questions on Chapter IX.

1. What does the Constitution guarantee citizens of different states? (67)
2. What does this mean? (67)
3. In what does this clause protect each citizen? (67)
4. How can fugitives from justice be taken? (68)
5. Suppose they escape to a foreign country? (68)
6. What about new States? (69)
7. Which was the first State admitted to the Union? (69)
8. How many States now? (69)
9. What is the usual price for the best Government land? (70)
10. What is a patent for land? (70)
11. What officers must take oath? (71)
12. To do what? (71)
13. What is the President's oath? (71)
14. Why is the word "affirm" used? (71)
15. What about religious tests? (71)
16. What is the Supreme Law? (72)
17. Are State judges and officers bound to obey the Constitution and laws of Congress? (72)
18. Suppose they think a law unconstitutional? (72)
19. What inhibitions upon the States are named? (73)
20. How about standing armies? (73) Why? (73)

21. How about compacts with other States? (73) Why? (73)
22. Who are citizens? (74)
23. What residence is necessary? (74)
24. What equality of citizenship is guaranteed? (75)
25. What is Amendment XV? (76)

Topical Outline of Chapter IX.

- | | | |
|---------------------------|---|---|
| MISCELLANEOUS PROVISIONS. | { | 1.. General Privileges of Citizens. |
| | | 2.. Fugitives. |
| | | 3. New States. { <div style="display: inline-block; vertical-align: middle; margin-left: 10px;"> 1. Number.
 2. West Virginia and Kentucky.
 3. Platte Purchase. </div> |
| | | 4. Public Lands. { <div style="display: inline-block; vertical-align: middle; margin-left: 10px;"> 1. Patents.
 2. General Land Office.
 3. Other Land Offices. </div> |
| | | 5. Oath of Office. |
| | | 6. Supreme Law. |
| | | 7. Inhibitions on States. |
| | | 8. Who are Citizens. |
| | | 9. Equality of Citizenship. |
| | | 10. Universal Suffrage. |

CHAPTER X.

EXECUTIVE DEPARTMENTS.

77. The Cabinet.—The business of executing the laws of Congress has been arranged under general divisions. These divisions are called executive departments. The work of each department is superintended by one chief officer, carefully selected by the President. The officers of these departments, in the order of their rank, are the Secretary of State, Secretary of the Treasury, Secretary of War, Attorney-General, Postmaster-General, Secretary of the Navy, Secretary of the Interior, and Secretary of Agriculture. These officers together constitute what is called the President's Cabinet. They are his immediate assistants and closest advisers. At stated times they meet him in conference and discuss the affairs of the nation. No record of the proceedings is kept, and from this reason and other intimate relations the Cabinet is sometimes called the "President's official family." Of course the President exercises a general supervision over all the departments, and his orders must be obeyed by each Cabinet officer. Each Cabinet officer receives a salary of \$8,000 per year.

78. Department of State.—This department has to do with the management of our foreign affairs and to it belongs the duty of superintending foreign ministers, ambassadors, consuls, and other diplomatic officers and agents. They receive instructions from the Secretary of State, who is the head of the department, and whatever communications they make to their home Government are made through him. Negotiations for treaties or for the settlement of disputes between this and foreign nations are carried on through this

department. In the office of the Secretary of State are kept all the official papers of the Presidents and all the original laws as passed by Congress, and it is this officer that causes these laws to be published. He keeps the great seal of the United States, and affixes it to all commissions issued by the President. He issues passports to citizens desiring to travel abroad, and also passports for American vessels.

79. The Treasury Department.—The Secretary of the Treasury superintends the collection and disbursement of public funds. In his keeping are all the Government bonds and moneys. He is assisted by auditors, comptrollers, treasurers, collectors of ports, internal revenue collectors and thousands of minor officers. In New York, New Orleans, St. Louis and several other large cities are branches of the Treasury, called sub-treasuries, which have been established that the public moneys may be more readily collected and disbursed. Connected with this department are also the five Government mints at Philadelphia, San Francisco, New Orleans, Denver, and Carson, which coin gold and silver and minor coins as directed by Congress.

80. The War Department.—The Secretary of War superintends the military affairs of the United States. He has the care of providing, by using money furnished by Congress, for the support, clothing and other military stores of the army, and has the control of the construction and repairing of forts, arsenals and magazines. Besides the militia described in section 31, there is a *standing army*, which now consists of about 25,000 men. This is maintained to protect the people against sudden uprisings among the Indians and against powerful local disturbances. The chief active officer of the army is a lieutenant-general who under instructions from the President and Secretary of War has command of the entire army. Next there are three major-generals, each

of whom is assigned to a department, the whole country being divided into "departments," such as the Department of the East, Department of the Missouri, and so on. For easier management the army is arranged into brigades, regiments, battalions and companies. First, there are brigades, the commander of each of which is called a brigadier-general. Each brigade is composed of a number of *regiments*, the commanders of which are colonels. A full regiment contains about a thousand men. Each regiment may have two *battalions*, each of which is commanded by an officer called a major, and battalions are divided into *companies*, each of which is commanded by a captain. A full company consists of a hundred men. The officers of the army are trained at the United States *Military Academy* at West Point. Each Representative in Congress has the right to appoint a cadet to this academy every four years, and the President appoints ten at large, and thus the country is constantly supplied with men ready to train militia and volunteers in the science and art of war.

81. The Navy Department.—The navy consists of warships, docks and navy yards, and the officers and men in the navy service. These vessels are sent into any part of the world where an American citizen may need protection, or American rights may be impaired. The Secretary of the Navy superintends the work to be done by the navy, and also superintends the construction of new vessels and the purchase of guns, torpedoes and other articles of equipment. Next to him, the chief active officer is a rear admiral, and besides him there are various other inferior officers, such as commodores, captains, lieutenants, masters, and ensigns. These are trained at the United States Naval Academy at Annapolis, the cadets to which are appointed in the same manner as are those to the Military Academy.

Officers of the navy and army receive large salaries, that of the lieutenant-general being \$11,000 per year, of a major-general \$7,500 and of a rear admiral \$6,000, besides many supplies, and at a certain age any of them may retire and still receive three fourths of the salary of an active officer of the same rank.

82. The Department of Justice.—The Attorney-General is the chief officer of this department. He is the legal adviser of all the other departments. For almost every judicial district in the United States there is an attorney and assistant attorneys to represent the Government in prosecuting violators of its laws. When such cases are appealed to the Supreme Court, the Attorney-General is then the attorney for the United States.

83. The Post Office Department.—More officers of the Government belong to this department than to any other. The post offices of the country are divided into four numerical classes. All post offices at towns of less than 1000 inhabitants are called fourth class post offices, and the postmasters of such towns are appointed by the Postmaster-General or an assistant. The postmasters for all larger towns are appointed by the President, and hence these are styled presidential offices. Appointments are often made upon the recommendations of Senators and Representatives. The charges for postage depend on the weight and kind of article to be carried, the rate for short and the rate for long distances being the same. Since the days of railroads these rates have constantly decreased until now they are scarcely a tenth of what they were fifty or seventy-five years ago.

84. The Department of the Interior.—The work of taking the census, of issuing patents to inventors, of surveying and selling the public lands, of granting and paying pensions, belongs to the Interior Department. A *pension* is

a sum of money awarded to a soldier or officer, or his family, for past military or civil service. The pensions annually amount to more than a hundred million dollars, and the raising of this vast sum of money is one of the chief concerns of the Congress. For the more ready payment of pensions local agencies are established in several of the larger cities of the country.

85. Department of Agriculture.—This department is of recent creation. It was raised to the rank of an executive department in 1889, when Norman J. Colman, of Missouri, was made the first Secretary of Agriculture. It collects and disseminates useful knowledge relating to agriculture. It conducts experiments and distributes among the people such plants and seeds of garden and farm products as these experiments show will be of the greatest usefulness to mankind.

Questions on Chapter X.

1. Name the Cabinet Officers? (77)
2. What are they? (77)
3. Who supervises every department? (77)
4. What is the salary of a Cabinet Officer? (77)
5. What business belongs to the Department of State? (78)
6. Where are the original acts of Congress kept? (78)
7. What else does he do? (78)
8. What are the duties of the Secretary of the Treasury? (79)
9. By whom is he assisted? (79)
10. What are sub-treasuries? (79)
11. Where are the mints located? (79)
12. What are they for? (79)
13. What are the duties of the Secretary of War? (80)
14. What is the standing army for? (80)
15. Explain about its officers and divisions. (80)
16. Where are the officers trained? (80)
17. How are cadets appointed? (80)
18. Of what does the navy consist? (81)

19. What are duties of the Secretary of the Navy? (81)
20. Name some of the officers of the navy? (81)
21. Where are the navel cadets educated? (81)
22. What is said about salary of army and navy officers? (81)
23. What is said about the Department of Justice? (82)
24. What is a fourth class post office? (83)
25. What are all other classes of offices called? (83)
26. How are appointments of postmasters made? (83)
27. What is said about postal charges and mailing rates? (83)
28. What business belongs to the Interior Department? (84)
29. What is a pension? (84)
30. What is the annual pension account? (84)
31. What is said of Departments of Agriculture? (85)

Topical Outline of Chapter X.

EXECUTIVE DEPARTMENTS.	{	1. The Cabinet.
		2. Department of State.
		3. Treasury Department.
		4. War Department.
		5. Navy Department.
		6. Department of Justice.
		7. Post Office Department.
		8. Department of Interior.
		9. Department of Agriculture.

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CIVIL GOVERNMENT

OF THE

STATE OF MISSOURI.

CHAPTER I.

GENERAL DIVISIONS.

86. The State Government.—The Government of the State of Missouri is divided into three departments similar to the divisions of the Government of the United States. Each has an executive, legislative and judicial department, and for defining the duties and powers of these there is a Constitution. The State Government is brought much closer to the people than the national Government. Public schools, public roads, township, city and county government, nearly all the courts, the State officers and the Legislature, are secured by the people through their State Constitution and laws passed in pursuance thereof.

87. The Constitution.—The Constitution of Missouri is the fundamental law of the State, just as we have seen the Constitution of the United States to be the fundamental law of the Union. The Constitution of the State may contain any provision that the people may wish to put into it, with one exception, and that is, it must not contain anything in conflict with the Constitution of the United States. The Constitution of the United States was ratified by conventions of the different States; the present Constitution of Missouri was adopted by the vote of the people. There have been

three Constitutions of Missouri. The first was framed and adopted by a convention in 1820, just before Missouri became a State. It remained in force till supplanted by another adopted by the people in 1865. But this second Constitution was not satisfactory, and so a third was framed and submitted to the people and by them adopted on October 30, 1875, and took effect, according to its terms, on November 30, of the same year.

88. Executive Department.—The executive officers of Missouri are the Governor, in his absence the Lieutenant Governor, Secretary of State, State Auditor, Superintendent of Public Schools, State Treasurer, Attorney-General, Railroad Commissioners, Superintendent of Insurance, Adjutant General, Labor Commissioner; county courts, clerks, treasurers, collectors, recorders and sheriffs of counties; officers of asylums and penal institutions; school directors and teachers; and other minor officers that will be mentioned at the proper place.

89. The Legislative Department.—The lawmaking body in Missouri is, by the Constitution, called the General Assembly, and consists of a Senate and a House of Representatives. Minor legislative bodies are boards of aldermen of towns and cities.

90. The Judicial Department.—The judiciary of the State consists of one Supreme Court, whose sessions are held in Jefferson City; the St. Louis Court of Appeals and the Kansas City Court of Appeals, which are intermediate appellate courts between the circuit courts and the Supreme Court; the circuit courts, each of which has jurisdiction over one or more counties; and probate courts for each county, and justices of the peace for each township. There are also certain other courts such as courts of common pleas

and criminal courts, which exist only in certain parts of the State.

91. How Treated.—The duties of the officers mentioned in the three last sections, together with other matters concerning the Civil Government of the State, will be considered under chapters on the Constitution, State Officers, the Legislature, Courts, Eleemosynary and Penal Institutions, Counties, Congressional Townships, Cities and Towns, Elections and Public Schools.

Questions on Chapter I.

1. Wherein are the State and National Governments similar? (86).
2. What do we have at the hands of the State Government? (86)
3. What is the Constitution? (87)
4. How was the United States Constitution adopted? (87)
5. How was Missouri's adopted? (87)
6. How many Constitutions has Missouri had? (87)
7. Name the executive officers of the State? (88)
8. Name the legislative bodies? (89)
9. Name the divisions of the State judiciary? (90)
10. How will these be treated in this book? (91)

Topical Outline of Chapter I.

GENERAL DIVISIONS.	{	1. Divisions.
		2. Constitution.
		3. Executive Officers.
		4. Legislative Department.
		4. Judiciary.

CHAPTER II.

THE CONSTITUTION.

92. **Why Not Discussed at Length.**—The Constitution of Missouri is a lengthy document. It consists of fifteen articles and a schedule, and a full discussion of the whole of it would require a large volume. Only the more important features can be considered in this work.

93. **Preamble.**—The preamble to the Constitution is in these words: "*We, the people of Missouri, with profound reverence for the Supreme Ruler of the Universe, and grateful for His goodness, do, for the better government of the State, establish this Constitution.*"

94. **Bill of Rights.**—Thirty-two sections of the Constitution, or all of Article II, are given up to a clear statement of the rights of a citizen, the rights of the State and the rights of the Union. This article is called the "Bill of Rights." It declares, among other things, that "all political power is vested in the people;" that "the people of this State have the inherent, sole and exclusive right to regulate the internal government thereof;" that "Missouri is a free and independent State, subject only to the Constitution of the United States;" that "the people of this State will never assent to any amendment or change of the Constitution of the United States which may in anywise impair the right of local self-government belonging to the people of this State;" that "all elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage;" that "all persons have a natural right to life, liberty, and the enjoyment of the gains of their own industry;" and "that to give security to these

things is the principal office of government." The Bill of Rights is a clear declaration of human rights, equal to the Declaration of Independence.

95. Restrictions on the Legislature.—The Legislature is forbidden to pass certain kinds of laws. It can not enact any class legislation; that is, laws for the benefit of a certain class of its citizens, or laws giving one portion of the State an advantage over another in trade, or otherwise. It can not pledge the State as security for the payment of the debts of any citizen or any company, or aid any private company in any of its business undertakings. It can not release persons or companies from paying debts they owe the State.

96. Restrictions on Taxation.—The Constitution fixes maximum rates of taxation, and says that neither the Legislature nor any city council can increase these rates. The State debt existing when the Constitution was adopted must be reduced at least \$250,000 per year until the whole is paid, but all other taxes for *State purposes*, that is, for current expenses, can not exceed twenty cents on the hundred dollars valuation, and whenever the assessed valuation of the property of the State shall amount to nine hundred million dollars, taxes for state purposes can not exceed fifteen cents for each hundred dollars worth. The maximum rate of taxes for schools, cities and counties will be given in the proper chapters hereafter. The State debt has been reduced more rapidly than the Constitution directed. About three fourths of it has been paid.

97. Restrictions on Creating Debts.—The Constitution imposes rigid restrictions upon the powers of the State to contract debts. In only three cases can this be done. (1) The state can issue bonds in renewal of existing bonds as they become due. When the present Constitution was

adopted the State was in debt. It had issued bonds in aid of the building of railroads and for other purposes. As these bonds become due, if the State can not pay them it may issue other bonds in renewal of them, at the same or a lower rate of interest. (2) On the occurring of an unforeseen emergency, or a casual deficiency in the State's revenue, the Governor and the Legislature can contract a debt, by bonds or otherwise, not in excess of \$250,000 for any one year, to be paid within two years after the creation thereof. (3) And on the occurring of an unforeseen emergency or a casual deficiency in the revenue, a debt in excess of \$250,000 may be created only when two thirds of the voters at an election held for that purpose authorize such debt. For no other purposes and in no other way shall the General Assembly have power to contract a debt.

Restrictions on Counties, Cities and School Districts.—No county, city, town or school district can issue bonds or otherwise become indebted to an amount greater than five per cent of the value of the taxable property therein, nor can they become indebted in anywise to an amount exceeding in any year the income and revenue provided for such year, until two thirds of the voters consent thereto; and if two thirds of the voters consent to such debt, they must at the same time authorize such a levy of taxes as will pay the annual interest thereon and liquidate the debt within twenty years. All counties, cities and towns are forbidden to issue bonds to pay debts that were made by a court or council without the consent of two thirds of the voters, unless such debts were legally incurred prior to the adoption of the present Constitution. Nor can private property be seized to pay any municipal debt; that is, the debt must be paid by money raised from taxation, and in no other way. The only exception to these limitations is that a county may, with the

consent of two thirds of the voters, become indebted to an amount greater than five per cent of the assessed valuation of property therein for the purpose of building a court house or jail.

The using of any money raised by taxation, for any purpose not authorized by law, by any public officer, is a felony. It is these inflexible limitations upon the taxing power in Missouri that have made taxes so much lower here than in some other States, and that cause her State and municipal bonds to sell so well in the markets.

98. Revenue, How Raised.—The revenue for supporting the State, counties, cities and schools is raised by taxes levied directly against the property of the citizen. These taxes must be paid. Other debts may possibly be avoided, but if taxes have been levied exactly as the law directs, any property the citizen has may be seized and sold to pay them. The law that permits the head of a family to hold a homestead and a certain amount of personal property exempt from the payment of a private debt, does not apply to taxes.

99. Suffrage.—By this Constitution every male citizen of the United States, and every male person of foreign birth who may have declared his intention to become a citizen of the United States according to law, not less than one year nor more than five years before he offers to vote, is entitled to vote at all elections by the people, if he is over twenty-one years of age, and has resided, immediately preceding the election, in the State one year, and sixty days in the county, city, or town where he offers to vote; except that no person while kept in any poorhouse or asylum at public expense, and no person confined in any public prison, shall vote at any election; and no person convicted of a felony or of any

crime against the ballot can vote at any time, unless pardoned by the Governor; and no officer, soldier or marine in the regular army or navy of the United States is entitled to vote at any election in this State.

100. State Capital.—The Constitution says: “The General Assembly shall have no power to remove the seat of Government of this State from the City of Jefferson.”

101. How Changed.—The Constitution prescribed two ways by which it can be amended. The *first* is for the Legislature to propose amendments to certain sections, which are to be submitted to the voters at the next general election, and if a majority of them vote therefor they become a part of the Constitution. By this method the Kansas City Court of Appeals was created in 1884, and the number of judges of the Supreme Court was increased from five to seven in 1890. Numerous other amendments have been submitted to the people, but were rejected. The *second* mode is much more difficult. It consists of four steps. (1) The Legislature authorizes a vote of the people on the calling of a convention to revise or amend the Constitution. If such convention be desired by them, the Governor fixes a day when (2) delegates may be chosen thereto, and these delegates, when they meet in convention, (3) may revise the Constitution to any extent they please, and then (4) the Constitution as thus revised and amended is to be submitted to a vote of the people at an election held for that purpose and they must adopt or reject it as a whole, by a majority of the votes cast. Thus it will be seen that it takes two votes of the people to secure a general change of the Constitution. This is right. The fundamental law of a people should not be often changed.

Questions on Chapter II.

1. What is said about the length of the Constitution? (92)
2. What is the Preamble? (93)
3. To what is Article II given over? (94)
4. What is it called? (94)
5. Recite some principles it lays down? (94)
6. What about the merit of the Bill of Rights? (94)
7. Name three limitations on the Legislature's power? (95)
8. Can taxes ever be higher in Missouri? (96)
9. What amount must be assessed to pay the State debt? (96)
10. What is the rate of taxes for state purposes? (96)
11. Can the State issue new bonds? (97)
12. In what amount may it become indebted? (97)
13. How can its debt be made larger than \$250,000? (97)
14. What has become of the state debt? (97)
15. To what amount can a city become indebted? (97)
16. How? (97)
17. How is the revenue raised? (98)
18. Must taxes be paid? (98)
19. Who can vote in Missouri? (99)
20. Can the Legislature move the capital? (100)
21. In how many ways can the Constitution be amended? (101)
22. What is the first? (101) The second? (101)

Topical Outline of Chapter II.

CONSTITUTION.	{	1. Length.	{	1. Legislation.
		2. Preamble.		2. Taxes.
		3. Bill of Rights.		3. Indebtedness.
		4. Restrictions On		
		5. Revenue.		
		6. Suffrage.		
		7. State Capital.		
		8. Amendments.		

CHAPTER III.

STATE OFFICERS.

102. A State Officer.—A State officer is one whose official duties extend over the entire State. In this chapter we shall consider only such State officers as Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Attorney-General, Superintendent of Public Schools, Railroad Commissioners, Superintendent of Insurance and Labor Commissioner.

103. The Governor.—The Constitution says: “*The supreme executive power shall be vested in a chief magistrate, who shall be styled ‘The Governor of the State of Missouri.’*” It is his duty to see that the laws are faithfully executed. (1) He can call out the militia “to execute the laws, suppress insurrections and repel invasions.” (2) He can grant pardons, after conviction, and commute sentences to less punishments. (3) He can call the General Assembly in extra session. (4) When a vacancy in any county or district or State office occurs he fills it by appointment or calls a special election, and besides he has the right to (5) appoint a few State officers and many important local officers. He must be thirty-five years old and must have been a citizen of the United States for ten years and a resident of this State for seven years before his election. His term of office is four years and he can not be elected to succeed himself. He receives a salary of \$5,000 per year and lives in the Executive Mansion, provided and furnished by the State, which pays all the current expenses of his office. When the Governor dies, resigns or is removed, the Lieutenant-Governor, who must possess the same qualifications as the Governor, succeeds to the office.

104. Secretary of State.—The Secretary of State is the custodian of the Great Seal of the State, which is used to authenticate many of the official acts of the Governor and of the State. In his office are kept all the original laws passed by the General Assembly, the publication and distribution of which he superintends. He issues certificates of incorporation to corporations, and, when authorized to do so by the Governor, he issues commissions to notaries public and other officers. In his office is a record of all general elections, and also a record of the names of all county and district officers and of the time they entered upon their official duties. He requires semi-annual reports from all State banks, setting forth their financial condition. and in addition he appoints bank examiners, whose duty it is to examine each State bank once a year and require it to comply with the laws. His term of office is four years. He receives an annual salary of \$3,000, and is aided by numerous assistants.

105. State Auditor.—The State Auditor ascertains the amount of taxes due the State from each county, and settles with each county collector for the moneys coming into his hands belonging to the State. He issues the warrants to the persons entitled to them upon which all moneys are paid out by the State Treasurer, and thus he is a constant check on that officer. He is, in some respects, the most important officer in the State, since it is upon estimates furnished by him that the Legislature is guided in making appropriations to meet the current expenses of the State. His term of office is four years and his salary \$3,000.

106. The State Treasurer.—The State Treasurer is the custodian of the State funds. All moneys belonging to the State are in his keeping. He pays the salaries of State officers, of the judges of the Supreme and Circuit Courts and of the Courts of Appeals, and all the other expenses of the

State. He is required to give a large bond for the faithful performance of his duty. In order that the State's money may not be idle, the Treasurer deposits it, subject to his call, in banks, which pay the State a small rate of interest for its use. His salary is also \$3,000 a year. His term is four years and he can not be elected to two terms in succession. Connected with his office is a supervisor of all building and loan associations doing business in the State.

107. Attorney-General.—The Attorney-General is the legal adviser of all other State officers. He also represents the State in all cases to which it is a party before the Supreme Court and has the authority, in the name of the State, to begin and prosecute all suits necessary to protect the rights and interests of the State. The principal officers mentioned in this and the three preceding sections are elected by the people. Officers to perform similar duties for the United States are appointed by the President, as we have seen.

108. Superintendent of Public Schools.—This officer resides at the capital, and is the general superintendent of the public school system. He superintends the application and distribution of the educational funds of the State, may grant teachers' certificates, prepares an annual report showing the number of teachers and pupils in the public schools of the State, the average amount of wages paid for teachers, and other useful information, and otherwise is required to do what he can to elevate the standard of education in the public schools. He is elected by the people, his term of office is four years and his salary \$3,000.

109. Railroad Commissioners.—There are three Railroad and Warehouse Commissioners. Their term of office is six years, and one is elected every two years. Their

duty is to see that the railroads obey the laws concerning freight and passenger rates, and also to appoint inspectors in St. Louis and Kansas City to inspect and fix the grade of wheat and other grains. Each receives a salary of \$3,000 per year.

110. The Insurance Department.—The Superintendent of Insurance is appointed by the Governor, by and with the advice and consent of the Senate, for a term of four years at an annual salary of \$3,000. He issues license to, and has a general supervision of, all insurance companies permitted to do business in this State. He has a right to inspect their books and affairs to ascertain if they are doing an honest business and complying with the laws, and to revoke their license if they are not. The office is established for the protection of policy holders, and of honest companies as well.

111. The Labor Commissioner.—The Labor Commissioner is appointed by the Governor, by and with the advice and consent of the Senate, for a term of two years, at an annual salary of \$2,000. He gathers statistics concerning the wages paid laborers in mines, on railroads, and in factories, and also statistics concerning the resources and products of the State, and publishes an annual report containing such of these statistics as he may deem of interest to the public. To this bureau belong also the mine inspectors and the inspector of factories and work shops.

112. The State Board of Equalization.—The members of this board are the Governor, Secretary of State, Auditor, Treasurer, and Attorney-General. The Board meets once a year and equalizes the tax assessments of the various counties. It sometimes happens that property in one county is assessed at its real value, while in others it is assessed at one half or even one fourth of what it is worth.

This is manifestly unfair. If such assessments were permitted to stand, some counties would thereby relieve themselves of their share of the burden of supporting the State Government. To remedy this wrong the Board of Equalization raises the assessment of some counties and lowers that of others, and each county is bound by its action.

113. National Guard.—The Commander-in-Chief of the Missouri National Guard is the Governor, and the chief member of his staff is the Adjutant General. The National Guard, inclusive of State cadets, consists of not over three thousand male persons between the ages of eighteen and forty-five years, who have voluntarily enlisted therein for any military duty that may be required of them by the Governor. Companies of the National Guard are found in various parts of the State. At proper intervals they are trained for military service. Once a year all the companies meet in a general encampment. They can be called into the field by the Governor to suppress insurrections or invasions. The State armory, containing war records, guns and other military supplies, is located at Jefferson City. Under the law all able-bodied males between the ages of eighteen and forty-five are liable to military duty, and to be enlisted for military service whenever the National Guard is inadequate to enable the Governor to execute the laws, except such persons as have conscientious scruples against bearing arms, and these may be excused by paying into the military fund six dollars per month.

Questions on Chapter III.

1. What is a State officer? (102)
2. What State officers are considered in this chapter? (102)
3. What says the Constitution about the Governor? (103)
4. What is his special duty? (103)
5. Name some of his powers? (103)
6. What qualifications must he have? (103)
7. Governor's salary and term of office? (103)
8. In case of vacancy who succeeds to his office? (103)
9. Name some of the duties of the Secretary of State? (104)
10. What about the Great Seal? (104)
11. What are his duties in regard to State banks? (104)
12. His term and salary? (104)
13. Describe duties of State Auditor? (105)
14. Describe duties of State Treasurer? (106)
15. What other officer is connected with his office? (106)
16. What is said of the Attorney-General? (107)
17. How are the principal State officers chosen? (107)
18. What is said of the Superintendent of Public Schools? (108)
19. What is said of Railroad Commissioners? (109)
20. Of the Superintendent of Insurance? (110)
21. What is said of the Labor Commissioner? (111)
22. Who constitute the State Board of Equalization? (112)
23. What is this Board for? (112)
24. Why is the equalization of taxes necessary? (112)
25. What are the State militia called? (113)
26. How is the National Guard arranged? (113)
27. Who is its chief officer? (113)
28. What does the State armory contain? (113)

Topical Outline of Chapter III.

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| STATE OFFICERS. | { | <ol style="list-style-type: none"> 1. Definition. 2. Governor. 3. Secretary of State. 4. State Auditor. 5. State Treasurer. 6. Attorney-General. 7. Superintendent of Public Schools. 8. Railroad Commissioners. 9. Superintendent of Insurance. 10. Labor Commissioner. 11. Board of Equalization. 12. National Guard. |
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CHAPTER IV.

THE GENERAL ASSEMBLY.

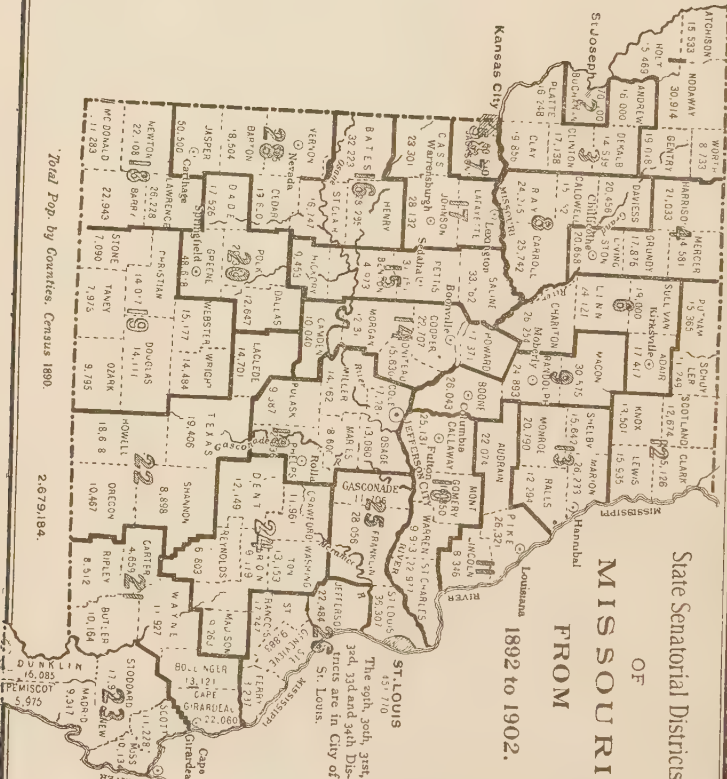
114. Composed of Two Houses.—The General Assembly of the State of Missouri is usually called the Legislature, but it is not so called in the Constitution nor in the Statute. It is composed of two houses, the Senate and House of Representatives.

115. The Senate.—The Senate is composed of thirty-four members, one half of whom are elected by the people at presidential elections, and the other half two years later. Once in ten years the State is divided into districts in such a way that each may have one Senator, without dividing any county; that is, a county can not be partly in one district and partly in another, but it may have more than one Senator if it has the requisite number of inhabitants. The districts must be so arranged that no Senator can be deprived of his seat by reason of such arrangement. Each district is entitled to one Senator. The presiding officer of the Senate is the Lieutenant-Governor, and a President *pro tempore*, to preside in his absence, is chosen by the Senators.

Senatorial Map.—In order that a clearer understanding may be had of the division of the State into Senatorial districts, a map is hereto subjoined showing the districts by number as made in 1891, and showing also the population of each county. These districts remain the same until 1901.

116. House of Representatives.—Each county is entitled to one Representative, and the larger counties to more than one. The method of apportionment, which is made once in ten years, is a peculiar one. First, a ratio is

State Senatorial Districts OF MISSOURI. FROM 1892 to 1902.



Total Pop. by Counties, Census 1890.

2,679,184.

obtained by dividing the whole number of inhabitants in the State by 200. Then each county that has two and one half times said ratio is entitled to two Representatives; each county having four times said ratio is entitled to three Representatives, each county having six times said ratio is entitled to four Representatives, and so on above that number, giving one additional member for every two and a half ratios. This ratio at the present time is about 13,395, so that a county must have about 33,487 inhabitants before it can have two Representatives, about 53,580 before it can have three, about 80,370 before it can have four, and one Representative for every 33,487 inhabitants above that number. When a county is entitled to more than one Representative the county court divides it into districts, of about the same number of inhabitants, and one Representative is elected from each district. A Representative's term of office is two years. The presiding officer of the House is the Speaker, who is elected by its members. He appoints its committees.

117. Qualifications.—A Senator must be thirty, and a Representative twenty-four, years of age. A Senator must have been a qualified voter of this State for three years prior to his election, and a Representative a qualified voter for two years, and both must be male citizens of the United States. A Senator must have resided in his district one year before his election, and a Representative in his county or district for the same length of time; and each must have paid a State and county tax within the year preceding his election.

118. Compensation.—The pay of a Senator or Representative is five dollars a day for the first seventy days of an ordinary session, and one dollar per day for the remainder of such session. For revising sessions they are paid five

dollars per day for one hundred and twenty days and one dollar a day thereafter. In addition to this, each member of either house is allowed necessary traveling expenses from his home to the capital and for the return.

119. Oath of Office.—Every officer in this State, from the highest to the lowest, is required to take an oath of office. That prescribed by the Constitution for the members of the Legislature is in these words: “I do solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Missouri, and faithfully perform the duties of my office; and that I will not knowingly receive, directly or indirectly, any money or other valuable thing, for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law.” The oath for other officers varies slightly from this, the variation having regard to the duties to be performed by the officers.

120. Sessions.—The General Assembly meets in regular session in the Capitol on the first Wednesday after the first day of January of each odd numbered year, and fixes its own time for final adjournment. An extra session may be called by the Governor at any time, but such session can consider only the subjects mentioned in the Governor’s call or in special messages sent to it by him after it convenes. At the last regular session of each decade all the laws of the State then in force are revised, arranged in proper order and published in one or two large volumes named “The Revised Statutes.” This is called a revising session.

121. A Law, How Passed.—A bill to become a law must receive the vote of a majority of the members elected to each house and be signed by the Governor; or, if vetoed by the Governor, that is, returned with his objections, it must

then receive the vote of two thirds of the members of each house. If the Governor does not approve or disapprove a bill, nor return it to the house in which it originated, within ten days, it may, by a resolution passed by both houses reciting such fact, become a law anyhow. If the General Assembly has adjourned within ten days after a bill is presented to him, he may, within thirty days, return it to the Secretary of State with his approval or veto.

122. When a Law Takes Effect.—No law passed by the Legislature, except the general appropriation act, “shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted,” unless there is attached to it an emergency clause, and two thirds of all the members elected to each house “otherwise direct;” in which case, the law will take effect at once or at any subsequent time that the Legislature may designate.

123. Session Acts and Revised Statutes.—All the laws passed at one session are published in one book called the “Session Acts.” The Revised Statutes of 1889 are two large volumes. They contain all the general laws passed by the Legislature at any time prior to such revision, that had not been repealed. In these volumes the laws are collected into chapters and articles and sections, and the sections are numbered consecutively from the beginning to the end, just as the sections of this book are numbered. Each chapter is given an appropriate heading, and then the chapters are arranged in alphabetical order, the first being the one concerning “Administration” of the estates of deceased persons, and the last is in regard to “Writs.”

Questions on Chapter IV.

1. What is the General Assembly popularly called? (114)
2. Of what is it composed? (114)
3. How many Senators? (115)
4. How are they elected? (115)
5. How are the districts arranged? (115)
6. Which district do you live in? (See map)
7. What counties in your district? (See map)
8. Who is your Senator?
9. Who is the presiding officer of the Senate? (115)
10. How many Representatives for each county? (116)
11. How can you ascertain the number for each county? (116)
12. How many has your county?
13. To how many is it entitled by the map? (See map)
14. Who presides over the sessions of the House? (116)
15. How is he elected? (116)
16. Qualifications of Senators and Representatives? (117)
17. What is their compensation? (118)
18. What is required of all Missouri officers? (119)
19. When and where are the sessions held? (120)
20. What is a revising session? (120)
21. How may a bill become a law? (121)
22. When does a law take effect? (122)
23. What exception is there to this rule? (122)
24. How may a law be put in force at once? (122)
25. What are the Session Acts? (123)
26. Describe the Revised Statutes. (123)

Topical Outline of Chapter IV.

THE GENERAL ASSEMBLY.	{	1. Two Houses.		
		2. Senate.		
		3. House of Representatives.		
		4. Qualifications.		
		5. Compensation.		
		6. Oath of Office.		
	{	7. Sessions.	{	1. Regular.
				2. Called.
	{	8. Laws.	{	3. Revising.
				1. How Passed.
2. When in force.				
3. Exceptions.				
4. Session Acts.				
			5. Revised Statutes.	

CHAPTER V.

THE COURTS.

124. **General Statement.**—The courts of the State are the Supreme Court, Courts of Appeals, Circuit Courts, Criminal Courts, Courts of Common Pleas, Probate Courts, and courts of Justices of the Peace. The County Court, being a mere executive body for transacting the business of a county, will not be considered in this chapter, but will be in the chapter on “Counties.” The courts considered in this chapter are for the administration of the law.

125. **Laws, How Divided.**—Laws are broadly divided into two classes, Criminal Law and Civil Law. Civil Law is again divided into Common Law and Statutory Law and Equity Law. (1) The *Common Law* concerns such things as ordinary promissory notes, deeds to land, and other contracts and the breach of such contracts, and wrongs done to one’s property or person. For generations in America and England certain rules have been gradually agreed upon by all men as being right for conducting business. These rules have been enforced by the courts until they have become a great system of principles, and are called the Common Law. This law is not found in acts passed by the Legislature, but in books written by able lawyers and in the published opinions of the highest courts. *Statutory Law* consists of laws passed by the Legislature. These sometimes change the Common Law principles, but until such principles are changed by statutes they are binding upon all men, because the Common Law, until so changed, is by our statutes declared to be in force in this State. For the enforcement of the Common Law or the Statutory Law there are a judge and

a jury, and at the trial the points to be decided are such as, Was the contract made, and what are its terms? or, Admitting the contract has been made and broken, what are the damages? But the judge alone tries a few kinds of such cases; as divorces, for instance; and in other Common Law cases both sides may mutually agree to waive a jury, but if either party demands a jury it can not be denied him. (2) But sometimes the enforcement of a contract would work a wrong. The contract may have been obtained through fraud or mistake; some kind of deception or false representation by one party may have induced the other to enter into it, and then justice and good morals suggest that it ought not to be enforced against the party thus cheated. It is just at this point that *Equity Law* steps in. It was created to give relief against the rigid exactness of the Common Law, when the enforcement of that law would work a wrong. Equity cases are tried by a judge only; no jury assists him. (3) *Criminal Law* relates to crimes. It usually consists of the statutes, or laws passed by the Legislature. Crimes are divided into two classes. They are misdemeanors and felonies. A *misdemeanor* is a lower grade of crime and is punishable by fine or imprisonment in jail or calaboose. Only a jury and a justice or judge is required to try a misdemeanor, although a grand jury may indict a person for a misdemeanor. A *felony* is a higher grade of crime and is punishable by imprisonment in the penitentiary, or death. For punishing a felony there must be an indictment by a grand jury and a trial by a petit jury and a judge.

126. **Justices of the Peace.**—In each municipal township of each county there is at least one justice of the peace, and often more than one. He is sometimes called a magistrate and often a 'squire. He is the conservator of the peace for his township. If a crime is committed the warrant

for the arrest of the criminal is usually issued by a justice. These officers have been provided in order that the people might have some one right at their doors to settle their smaller disputes, and to set the wheels of government in motion in case the laws are violated. Suits involving any sum less than \$250 may be tried before a justice of the peace, and either party, if he desires it, is entitled to a jury of six men. The *jury* passes upon the law and evidence, as they understand it, by agreeing upon a verdict, which is simply a small piece of writing, signed by the foreman, containing words which indicate their decision or finding upon the issues submitted to them. Any party dissatisfied with the result of a trial before a justice, whether it be a civil or criminal case, can appeal to the Circuit or Criminal Court of the same county, by filing the required affidavit and giving bond; and in that court the case is tried anew just as if it had been originally begun there. No equity case can be tried before a justice of the peace, nor can a felony; but persons arrested for felony may be required by him to give bond to appear before the grand jury at its next sitting; or may be sent to jail until the grand jury meets if they can not give bail, or if the preliminary examination made by him indicates that the proof is evident or the presumption great that the accused persons have committed murder in the first degree.

127. Constables.—In each township there is a constable, who is the executive officer of the court of the justice of the peace. It is his duty to make arrests on all warrants issued by the justice if the accused party can be found in his county; to serve the summons on the defendant in civil cases; to impanel juries, and summon witnesses for the trial; and after the trial he collects the amount of the judgment, or debt, from the losing party by seizing and publicly selling his property, if any property he has in excess of what the law says shall not be sold to pay his debts.

128. Probate Courts.—In each county in the State there is one Probate Judge, whose court is concerned in settling the estates of deceased persons and appointing guardians and curators to manage the persons and estates of minors and lunatics. In some States this court is called the Orphan's Court. When one dies his debts must be paid. All his property, except about five hundred dollars' worth for his widow and the homestead which he owned and in which he lived, is liable for the payment of his debts, and his children can have nothing until these are paid. If the person has left no will, the court appoints someone, denominated an administrator, to take charge of the estate and settle up its debts and turn the residue over to the heirs, but for this purpose no land can be sold if the personal estate is sufficient to pay the debts. If the deceased person left a will, it usually names someone that he desires to administer his estate. Such person is called an executor, and in administering the estate he must obey the instructions of the will, except that the will can not deprive the widow of her dower or homestead, nor defeat the payment of the debts of the deceased. If a claim against the estate of a deceased person is disputed by the administrator, the Probate Judge may call a jury to decide the point, and from its verdict either party may appeal to the Circuit Court, where the case is tried again. When the administrator or executor has fully administered the estate, he offers to the court an exhibit of all moneys he has received and paid out. This is called his final settlement, and if approved by the judge, he is discharged, and the estate goes to the heirs. But if any of the heirs are not satisfied with the conduct of the administrator they can appeal to the Circuit Court to redress the wrong done.

129. Homestead.—The law believes society is stronger if every family has a home. In this State the residence of the

head of a family can not be taken for his debts, and his widow and minor children are entitled to live in the residence owned by him at his death—the widow during her life, and the children while they are minors. But there can be no homestead as against the debts made prior to the time the husband acquired and occupied his residence, nor can the homestead in the country exceed one hundred and sixty acres of land nor \$1,500 in value, but so much of the one hundred and sixty acres of ground can be retained by the husband during his life, and by the widow and children after his death, as is worth no more than \$1,500. In cities and towns the maximum value and size of the homestead depend on their population. In smaller towns the maximum value is \$1,500 and the maximum size not more than five acres. In the larger cities this value is larger and the amount of ground less.

130. Dower.—In addition to her homestead in her husband's residence, the widow is entitled to a dower of one third of all the other land he owned at any time during their marriage, not by her deeded away while he lived, and she is entitled to a child's share in his personal estate. If he signs a deed to a piece of property without her joining him in it, her dower remains and may be recovered by her after his death. But a dower only lasts for life. It is extinguished by her death. But instead of this lifetime interest of one third of her husband's estate the widow may take, if she desires, a child's share. If there is only one child, her share then will be one half of the husband's estate after the debts are paid. If he dies without children or other descendants, her dower is one half of all the property he owned, not for life only, but absolutely.

131. Curtesy.—The husband's curtesy is something like the widow's dower. It is a lifetime use of the lands owned by the wife at her death. But in order that he may

have this interest he must have had the possession and use of the property during the marriage, and a child must have been born alive of the marriage. If the child survives her he has only a lifetime use of the wife's lands. But if she die without children or other descendants, he is entitled to one half of all her property absolutely, and, if a child was born of the marriage, to the use of the remaining half of her real estate of which he had the possession during the marriage.

132. Circuit Courts.—The Circuit Courts are the great trial courts of this State. In them can be tried every kind of cases,—civil, equity, and, in counties where there is not a separate criminal court, criminal cases also. One or more sessions of the Circuit Court are held in each county each year. These courts exercise a superintending control over Criminal Courts, Probate Courts, County Courts, Justices of the Peace, and all other inferior courts. In counties having over 40,000 inhabitants there is a separate Criminal Court for the trial of criminal causes; but in nearly all smaller counties the Circuit Courts have jurisdiction over such matters. The State is divided into thirty circuits. In each an officer, styled the Circuit Judge, is elected for a term of six years to preside over these courts, and in some of the circuits, like St. Louis and Jackson county, there is more than one judge, owing to the amount of business.

133. Map of Judicial Circuits.—The Legislature at its special session in 1892, divided the State into thirty circuits, by number, as shown by the accompanying map.

134. Qualifications and Salary.—The Circuit Judge must be learned in the law, at least thirty years of age, a citizen of the United States for five years, and a qualified voter of this State for three years next before his election or

1892 to 1902.



appointment. Each Circuit Judge receives annually from the State \$2,000 and his expenses in attending court when held in any other town than that in which he resides. In St. Louis this salary is raised by the city to \$5,500, and in Jackson county to \$3,500 by the county.

135. Assistants.—In each county there is a circuit clerk, and a sheriff to assist the judge in holding court. There is also a grand jury of twelve men to investigate charges and present indictments against persons they may believe guilty of crime, and a petit jury to hear causes and determine the issues of fact.

136. The Grand Jury.—The grand jury is chosen by the County Court or sheriff, and as nearly as possible jurors are taken from each township in the county, the number taken from each depending on the amount of its population as compared to that of the whole county. It is a secret body and all of its members are sworn never to divulge any of its proceedings. Nine of its members can find a "true bill." Its duty is to investigate, "without hatred, malice, fear, favor, or affection," any crime that has been committed in the county, and for this purpose it can send for witnesses in any part of the State. After it is convinced that a crime has been committed and has agreed upon an indictment against the supposed criminal, its chief duty is to aid the prosecuting attorney in discovering evidence that will lead to conviction.

137. The Petit Jury.—But an indictment is no evidence of the guilt of the accused. It simply indicates such a probability of guilt as will warrant the State in trying him. Decidedly a different aspect may be put on the case when his side of the story is heard. It is, therefore, necessary that a jury of impartial men be chosen to hear both sides and decide the question of his guilt. For that purpose, where the

indictment charges a capital offense, a panel of forty men is made, and from a list of these the State challenges, or strikes off, eight, and the defendant twenty. In all other felony cases and in all civil cases, the panel consists of a less number, and a less number of challenges is allowed. The jurors, in making up their verdict, must agree. Unless they do agree, there is no verdict, but they may use their own methods in arriving at this agreement. "Trial by jury of one's peers" has been the pride of the Anglo-Saxon race for six hundred years, and its hold upon the people, as the best system ever devised for administering law, has strengthened with the centuries.

138. A Civil Trial.—A trial as defined in the statute, "is the judicial examination of the issues between the parties, whether they be issues of law or of fact." The party bringing the suit is styled the plaintiff, and the other party the defendant. The first step in a case is the filing with the clerk of a paper called the petition which sets forth the plaintiff's claim or cause of action. Then the clerk issues a summons to the defendant to come into court and make defense. A copy of this summons is delivered to the defendant by the sheriff. He appears by his attorney and files a paper of his own, called an answer to plaintiff's petition. Then a jury is impaneled, if it is a purely civil case and either party demands a jury. The plaintiff first introduces witnesses to support his claim, and then the defendant witnesses to uphold his side. Then the judge instructs the jury as to what is the law governing the point at issue, the lawyers make arguments for their respective clients, the jury retires and makes up its verdict, and this is formally entered in the records of the court, and is made the basis of the judgment, which is the final determination of the rights of the parties to the action. After this is entered on the records of the court, an

execution, or written order, is issued, directed to the sheriff, commanding him to find, if possible, enough of the property of the losing party to pay the judgment. The sheriff seizes such property, if it is not such as cannot be seized for debt, sells it at public auction, and turns the proceeds over to the party who was successful at the trial. If it is an equity cause the proceedings are exactly the same, except the cause is submitted to the judge instead of the jury and no instructions may be asked.

139. A Criminal Trial.—In a criminal case the plaintiff is the State and its lawyer is the prosecuting attorney. The first paper filed in such a case is an indictment presented by the grand jury. When that is filed, the clerk issues a summons to the sheriff to arrest the indicted person. If this is done, the prisoner is brought into court, a jury sworn to try the cause, the indictment read, witnesses introduced by the State to show that the indictment is true, and by the defendant to show that it is not true; the court instructs the jury, the lawyers make their arguments, and the jury retire and either find the defendant “not guilty,” or “guilty” and assess his punishment. Then he is sentenced by the judge, and the sheriff takes him in custody and sees that the sentence of the court is carried out.

140. Appeals.—All cases tried in the Circuit Court may be appealed. If the case involves a misdemeanor or an amount of money less than \$2,500, the appeal is to the Kansas City Court of Appeals or to the St. Louis Court of Appeals. If the case involves a felony, or title to land, or an amount of money larger than \$2,500, or a construction of the Constitution or of the revenue laws, or title to office, or if a county is a party to the suit, the appeal is to the Supreme Court.

141. The Courts of Appeals.—These are the St. Louis Court of Appeals and the Kansas City Court of Appeals. In late years so many cases were appealed to the Supreme Court that its work became more than it could perform. These courts, therefore, were established to finally decide less important cases on appeal. Each has three judges who hold office for a term of twelve years. Each judge of the Kansas City court receives from the State a salary of \$3,500 per year, while each judge of the St. Louis Court receives \$5,500. The two courts together embrace the whole State. Decisions by these courts must conform to prior decisions on the same subject by the Supreme Court.

142. The Supreme Court.—This is the highest State court in Missouri. It is composed of seven judges, each of whom is elected for ten years, and each receives an annual salary of \$4,500. For the purpose of convenience and more expeditious work, the court is at present divided into two divisions, Division One and Division Two. Division One has four judges, and considers only civil and equity cases; Division Two has three judges and decides all kinds of cases, but especially criminal cases. If the judges of either division disagree, the case may be sent to the Court In Banc, which consists of all the judges. The Supreme Court exercises a general superintending control over all the other courts of the State. When a case is taken to it by appeal it is not tried again, but a copy of the pleadings, evidence, instructions, verdict and judgment is sent to it, and it simply affirms the verdict of the court below, or points out the error that has been committed and remands the cause for a new trial, or if the case has no merit it simply reverses and dismisses it.

143. The Reports.—The opinions of the Supreme Court are preserved and printed in books called the Missouri

Reports. Like publication is made of the opinions of the Courts of Appeals in a set of volumes called the Missouri Appeal Reports. This has been the case ever since the courts were established, and all the opinions thus published now make up more than two hundred volumes.

Questions on Chapter V.

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2. What is the county court? (124)
3. What courts are considered in this chapter? (124)
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5. How is civil law divided? (125)
6. What is common law? (125)
7. Where is it found? (125)
8. What is statutory law? (125)
9. By whom are common law cases tried? (125)
10. What is the use of equity law? (125)
11. By whom are equity cases tried? (125)
12. What is a misdemeanor? (125)
13. A felony? (125)
14. What is said of justices of the peace? (126)
15. What suits may be tried before them? (126)
16. What is a verdict? (126)
17. To what courts are appeals from them? (126)
18. Who can appeal? (126)
19. What kind of criminal cases can a justice try? (126)
20. Can they try an equity case? (126)
21. What is said of constables? (127)
22. What are the duties of the Probate Courts? (128)
23. When must debts be paid? (128)
24. What can be sold to pay debts? (128)
25. Distinguish between administrator and executor. (128)
26. Any jury in Probate Courts? (128)
27. Can a will deprive a widow of dower? (128)
28. What is a final settlement? (128)
29. To what court are appeals from a Probate Court? (128)
30. What is a homestead? (129)
31. For what debts can it be sold? (129)
32. What is the value of a homestead? (129)

33. What is a widow's dower? (130)
34. What is husband's curtesy like? (131)
35. What is it? (131)
36. What must precede his right to curtesy? (131)
37. Suppose a child survive her? (131)
38. Her child or his child? (131)
39. If the widow dies childless what is his curtesy? (131)
40. What is said of Circuit Courts? (132)
41. What cases can they try? (132)
42. Of what have they superintending control? (132)
43. What other courts in some counties? (132)
44. How many circuits, and the judge's term? (132)
45. In what circuit do you live? (133)
46. What counties in it? (133)
47. Who is the Circuit Judge? (133)
48. What are his qualifications and salary? (134)
49. What assistants has he? (135)
50. How is the grand jury chosen? (136)
51. Has it any secrets? (136)
52. How many can find an indictment? (136)
53. What are its duties? (136)
54. Can one be tried for a felony without indictment? (125)
55. Does an indictment prove guilt? (137)
56. How is a petit jury chosen? (137)
57. How many jurors does it take to make a verdict? (137)
58. What is said of trial by jury? (137)
59. Describe the various steps of a civil trial? (138)
60. What is a judgment? (138)
61. What is an execution? (138)
62. Describe various steps in criminal trial? (139)
63. What cases may be appealed? (140)
64. To what courts? (140)
65. Describe the Courts of Appeals? (141)
66. The Supreme Court? (142)
67. How is a case taken to that court? (142)
68. What are "pleadings" in court? (The petition and answer.)
(142)
69. What are the reports? (143)

COURTS.

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 1. Common Law.
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9. Circuit Courts.
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 2. Summons.
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 4. Impaneling Jury.
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 6. Instructions.
 7. Argument.
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 9. Judgment.
 10. Execution.
 4. Equity Trial.
 1. Indictment.
 2. Arrest.
 3. Jury.
 4. Examining Witnesses.
 5. Instructions.
 6. Argument.
 7. Verdict.
 8. Sentence.
 9. Execution.
 5. Criminal Trial.
 1. Indictment.
 2. Arrest.
 3. Jury.
 4. Examining Witnesses.
 5. Instructions.
 6. Argument.
 7. Verdict.
 8. Sentence.
 9. Execution.
10. Appeals.
11. Courts of Appeals.
12. Supreme Court.
13. Reports.

CHAPTER VI.

COUNTIES.

144. Relations to the State.—The county is the most important subdivision of the State. Here local government, or self-government by the people, bears its richest fruit. There are one hundred and fourteen counties and the city of St. Louis in Missouri. Each county has certain officers elected by the people. They are the County Clerk, Sheriff, Circuit Clerk, three Judges of the County Court, Probate Judge, Recorder of Deeds, Prosecuting Attorney, Treasurer, Collector, Assessor, Surveyor, Public Administrator, and Coroner.

145. Boundaries.—Each county in the State was organized by the Legislature, which fixed its boundaries. These boundaries can not be changed except by the Legislature.

146. County Seat.—The county seat is the seat or center of the county government. It is usually where the court house is. It can be changed only by a vote of the people of the county. In the court house are kept all the county records, and the county officers have offices there, and the terms of court are held therein.

147. The County Court.—The County Court consists of three officers, called county judges. One of these is elected from the whole county for four years and is called the Presiding Judge. The other two are elected for two years each, one from one half of the county and the other from the other half. This court meets every three months and sometimes once a month, and is charged with levying taxes upon the inhabitants of the county to pay the expenses

of the county government and of the public schools of the county, and also the taxes each county is required to contribute as its share for supporting the State Government. This money is needed for paying some of the county officers and all the State officers and the judges of Circuit and Supreme Court and Courts of Appeals, for their services; for building bridges and working roads; for caring for paupers and indigent insane persons; for paying the county's debts and the expenses of elections; for prosecuting criminals and maintaining the authority of Government. It is also charged with seeing that these taxes are properly collected, and safely kept, and disbursed as the law requires. If any person has a claim against the county he presents it to this court for allowance, and if it is allowed by the court the County Clerk is directed to issue a warrant for the amount, which, when signed by the Presiding Judge and the Clerk, may be paid by the County Treasurer. No money can be expended by the county for any purpose except by the direction of this court. It also appoints all judges and clerks of elections in each county and establishes voting places, and may aid the County Clerk in counting the votes cast for each candidate. It exercises a superintending control over all county officers, and is charged with seeing that they do not appropriate funds belonging to the county.

148. County Clerk.—The County Clerk records in proper books the doings of the County Court. He apportions to each inhabitant of the county, according to the assessments made by the Assessor and Board of Equalization and to the levy made by the County Court, the amount of taxes to be paid by him, and he also apportions to each school district the amount of county school funds to which it is entitled for conducting its schools. His books are, therefore, a check on the County Collector and on the County Treasurer.

149. County Collector and County Treasurer.

After the County Clerk has, in this way, apportioned to each inhabitant the amount of taxes due from him, and made proper entry thereof in the tax book, he turns this over to the County Collector, who proceeds to collect the taxes. Having done this, either peaceably by voluntary payments, or by seizure and sale of the taxpayer's personal property, or by suit for taxes against his land, the Collector remits to the State Treasurer the State's share, and turns the rest of the money over to the County Treasurer, and the Treasurer pays it out on warrants directed to be issued by the County Court. Each of these officers is required to make annual settlement with the County Court, which goes carefully over their books and counts the cash on hand to see that they have faithfully applied all the money received by them as the law directs.

150. The Assessor.—The Assessor values the land and other property in the county for purposes of taxation. He makes return of his work in books prepared for the purpose, to the County Clerk, and at the proper time the County Court fixes the *rate* per cent of taxation for the whole county, and then the County Clerk calculates how much taxes, according to this rate and the valuation fixed by the Assessor, is due against each piece of land in the county or against the personal property of each individual. Sometimes the *County Board of Equalization*, which is composed of the three judges of the County Court, the Surveyor and the Assessor (or the Sheriff in counties having township organization), aided by the County Clerk as secretary, increases or diminishes the valuations made by the Assessor to correspond with the changes made by the State Board of Equalization. This is done by increasing or decreasing, by a uniform per cent, the Assessor's valuation of the property of each person assessed,

and the valuation as fixed by this board is the amount of property on which such person is required to pay taxes. The rate of increase made in this way is sometimes ten or twenty per cent above the Assessor's valuations.

151. Rate of Taxation.—The Constitution fixes a maximum rate of taxation for county and township purposes. If the property in a county is assessed at less than six million dollars the rate can not exceed fifty cents on the hundred dollars valuation. Where the valuation is between six and ten million dollars, the rate can not exceed forty cents on the hundred dollars. If the valuation is over ten million and less than thirty million dollars, the highest rate permissible is fifty cents on the hundred dollars; in counties having thirty millions or more, the rate for these purposes can not exceed thirty-five cents on the hundred dollars valuation. The rates for school purposes will be noticed in the chapter concerning public schools.

152. Circuit Clerk.—This officer is the clerk for the Circuit Court. He issues summonses, subpoenas for witnesses, and warrants for the arrest of indicted persons, and keeps in suitable books a record of the doings of the court. He administers oaths to grand juries and petit juries and swears witnesses. In some counties he is also *ex officio* recorder.

153. Sheriff.—The Sheriff is the executive officer of the County Court, Circuit Court and Probate Court. He subpoenas witnesses, serves summonses, makes arrests, and carries out the orders of the courts. He is the chief peace officer of the county, and, in order to preserve the peace against any general and sudden defiance of law, can command every able-bodied man in the county to assist him. This is called *posse comitatus*, which means "the power of the county." In some counties he is *ex officio* collector, also.

154. The Prosecuting Attorney.—The Prosecuting Attorney is the legal adviser of the County Court and all other county officers. His chief duty consists in prosecuting men who have been indicted or arrested for crime. In most counties he also represents the county in all suits brought by or against it, but in a few of large population there is a county counsellor to attend to the civil business of the county.

155. The Recorder of Deeds.—This officer copies in large volumes all deeds conveying land in his county, all wills devising land, all mortgages and deeds of trust, and all chattel mortgages. These records are open to the inspection of all persons. It is through these records that the titles to lands are traced and the owners thereof ascertained.

156. The Surveyor.—The Surveyor lays out such new roads as the county court may direct to be opened. He also fixes the boundary lines of the land of private citizens, when requested to do so.

157. Public Administration.—When one dies, letters of administration are granted, first, to the husband or wife, and, secondly, to those entitled to a distributive share of the estate, or one or more of them, if they are residents of the State. But sometimes it happens that one dies without any relatives, or such relatives are residents of other States, or are minors, or are not able to make the necessary bond. In such cases the Probate Court may appoint any suitable person administrator; or the Public Administrator, who has been elected by the people, comes forward and takes charge of the estate, and proceeds to administer it, under the directions of the court.

158. The Coroner.—It is the duty of this officer to examine into the cause of any sudden or suspicious death or

killing in his county, and if necessary require the arrest of any person suspected of causing such death. He may be aided by a jury of six men.

159. Compensation of Officers.—The pay of all county officers is regulated by law. In most cases the amount is dependent upon the amount of business pertaining to the office or the number of inhabitants in the county. Most of them are permitted to charge *fees* for each duty performed, and the total amount or a part of the fees for the year constitute their remuneration. In some counties these fees amount to but little, in others to a very large sum; but in most of them the average compensation of the better offices is about \$1,200 or \$1,500 per year, besides the deputy hire. But prosecuting attorneys and treasurers are allowed a small salary in addition to their fees. The pay of a county judge is \$5 per day while attending the sessions of his court, and mileage.

160. Townships.—Each county is divided into municipal townships, whose size and boundaries are made to suit the convenience of the inhabitants. These townships are given names just as the counties are, such as Richmond, Sugar Creek and Happy Hollow. In each township there is an election precinct, or voting place, and sometimes more than one.

161. Township Organization.—In seventeen counties in Missouri there is what is known as township organization. Under such a system the officers of a township are increased and those of the county decreased. Each township then has a Township Board, consisting of a president, clerk, treasurer and two other members, whose duty it is to open up new roads, pay overseers for working the same and authorize the building of small bridges. Instead of a county

assessor, the property is assessed by the township clerk, and instead of a county collector there is a collector for each township.

Questions on Chapter VI.

1. What have you to say of the county? (144)
2. How are the county officers chosen? (144)
3. Name them. (144)
4. How are the county boundaries fixed? (145)
5. What is the county seat? (146)
6. How can it be changed? (146)
7. Of what does the County Court consist? (147)
8. Distinguish them. (147)
9. What is the court's duty in reference to taxes? (147)
10. How is this money raised? (147)
11. What other control has it over taxes? (147)
12. What has this court to do with elections? (147)
13. What are the duties of the county clerk? (148)
14. What important duty in reference to taxes? (148)
15. On whom are his books a check? (148)
16. What are the duties of Collector and Treasurer? (149)
17. How are these officers related to the County Court? (149)
18. What are the duties of Assessor? (150)
19. What are the successive steps toward assessing taxes? (151)
20. What is said of Circuit Clerk? (152)
21. What is said of Sheriff? (153)
22. Whom can he command to assist him? (153)
23. What is said of Prosecuting Attorney? (154)
24. Define duties of Recorder? (155)
25. The duties of Surveyor? (156)
26. Who are entitled to priority in administrations? (157)
27. When can the public administrator step in? (157)
28. The duties of the Coroner? (158)
29. What about the pay of county officers? (159)
30. What is a municipal township? (160)
31. An election precinct? (160)
32. How many in each township? (160)
33. How many in yours?
34. Is your county under township organization?
35. If so, tell all that is said on this subject? (161)

Topical Outline of Chapter VI.

- | | | | | |
|-----------|------------------------|-----|-----------------------|----------------|
| COUNTIES. | { | 1. | Relation to State. | |
| | | 2. | Boundaries. | |
| | | 3. | County Courts. | { 1. Members. |
| | | | | { 2. Sessions. |
| | | | | { 3. Duties. |
| | | 4. | County Clerk. | |
| | | 5. | Collector. | |
| | | 6. | Treasurer. | |
| | | 7. | Assessor. | |
| | | 8. | Rate of Taxation. | |
| | | 9. | Circuit Clerk. | |
| | | 10. | Sheriff. | |
| | | 11. | Prosecuting Attorney. | |
| | | 12. | Recorder. | |
| | | 13. | Surveyor. | |
| | | 14. | Public Administrator. | |
| | | 15. | Coroner. | |
| | | 16. | Compensation. | |
| 17. | Townships. | | | |
| 18. | Township Organization. | | | |

CHAPTER VII.

CONGRESSIONAL TOWNSHIPS.

162. Defined.—Congressional townships are to be distinguished from municipal townships. The municipal township is an irregular subdivision of a county made by the County Court. A congressional township is a square body of land bounded by lines running east and west which are crossed by other lines running north and south in such manner that each side of the square is six miles long. It is a regular subdivision of nearly all of the lands of the country west of the Mississippi river, and in other parts of the United States, made by Government surveyors, for the ready conveyance of land to purchasers. Here these subdivisions were made about the time Missouri became a State, in accordance with an act of Congress, and hence their names.

163. Necessity for Understanding Them.—We have all heard of sections, townships and ranges in describing land transfers. These terms are used in finding or “locating” every farm in almost every county, and in laying out every town and city in the State.

164. How Made.—The Government surveyors first agreed upon “base lines” and “principal meridians.” There are many of these in the United States, but the base line from which Missouri lands were surveyed runs east and west through Arkansas near the center of that State and within a few miles of Little Rock, and the principal meridian from which these surveys were made is the Fifth Principal Meridian, which runs north and south through the eastern part of the State, about thirty-six miles west of St. Louis. It is fourteen degrees of longitude west from Washington.

165. Ranges.—Other lines parallel with the Fifth Principal Meridian, and just six miles apart, were run by the surveyors, and all the territory between any two of these lines is called a range. All the land within six miles of the Fifth Principal Meridian is Range 1, and that between the next two range lines is Range 2, and so on westward to the western border of the State, and eastward to the Mississippi river. A range then is six miles wide. If your range is 21 west, that indicates that there are twenty ranges between yours and the Fifth Principal Meridian, and that you live west of that Meridian.

166. Townships.—Other lines six miles apart and parallel with the base line, are run east and west through the State, so that the whole State is divided into a kind of checker board, or squares of six miles. Each of these squares is a congressional township. These townships are numbered consecutively north from the base line. If you live in township 49, that indicates that there are forty-eight townships south of yours between you and the base line, and it also indicates that every township due west or due east of yours, entirely through the State, is also numbered 49.

167. Sections.—Each township is divided into sections. A section is a piece of land one mile square. So each township contains thirty-six sections. These are also numbered. The first section in the northeast corner of the township is section 1. The one just west of it is section 2, and so on to the last section in the northwest corner of the township, which is section 6. The one just south of section 6 is section 7, and the one just east of that is section 8, and so on to the last section at the east side of the township, which is section 12. Right south of section 12 is section 13, and then the count is back to the west again, and then back to the east,

and so on in this looping order until section 36 is found in the southeast corner of the township. The corner of each section was originally marked by a long stone set into the ground, and township corners by yet larger stones.

168. Subdivisions of Sections.—Each section is divided into four parts, called “quarter sections.” They are the northeast quarter, the northwest quarter, the southeast quarter, and the southwest quarter. Each contains one hundred and sixty acres. And each quarter section is again divided into four equal parts, so that forty acres in the southeast corner of the section is described as the southeast quarter of the southeast quarter.

169. How Used.—This system of describing land is used in conveyancing, or in making and delivering deeds. In a deed to a farm the land is rarely described in any other way, but the building or lot in a town or city is described in deeds by the number of the lot, the number of the block, and the name of the addition wherein it is located. But these numbers have been made to conform to a plat of the town or city, recorded with the Recorder of Deeds, which plat was arranged from the numbers of the section, township, and range. So that this United States Surveyor’s system will be the basis for describing real estate in all conveyancing for many years to come.

170. Title.—Title is the foundation of one’s ownership of real estate; it is the written instruments whereby his right to the land is established. It consists of a patent from the United States, and all deeds and wills concerning the land from the date the patent was issued up to the present time. To be a perfect title each deed in the series must be a perfect instrument and the maker thereof must have been the actual owner. Such a “chain of title” is rare. But the Legislature has provided against any injury that might result to

the actual owner because of these imperfections, in the *Statute of Limitations*. By that statute any person who has been in the actual, adverse, and exclusive possession of property for ten years is the owner, and can not be dispossessed unless the person dispossessed is a minor or a married woman, in which case such possession must be for a longer term of years. This is one of the most beneficent statutes ever written. If it were repealed the greatest confusion would result, and no householder would be secure in his home.

For a better understanding of the discussions of this chapter a map is hereto subjoined, showing the southeast quarter of the southeast quarter of section 36, of township 50 north, of range 21 west, in Saline county, in the State of Missouri.

		N					
		TOWNSHIP 51.			TOWNSHIP 51.		
		RANGE 21.			RANGE 21.		
W	TOWNSHIP 50.	6	5	4	3	2	1
		7	8	9	10	11	12
		13	17	16	15	14	13
		19	20	21	22	23	24
		30	29	28	27	26	25
		31	32	33	34	35	36
		S					
		E					

Questions on Chapter VII.

1. How are Congressional townships distinguished? (162)
2. Describe each. (162)
3. Whence the name of these townships? (162)
4. Why necessary to understand these divisions? (163)
5. How made? (164)
6. Discuss ranges fully. (165)
7. What are townships? (166)
8. How made and numbered? (166)
9. The same question as to sections? (167)
10. What are the subdivisions of sections? (168)
11. The subdivisions of quarter sections? (168)
12. Where is this system used? (169)
13. Is it used in describing town property? (169)
14. On what is a city based? (169)
15. What is title to land? (170)
16. Of what does it consist? (170)
17. What is necessary to a perfect title? (170)
18. Are there many perfect titles? (170)
19. What cures an imperfect title? (170)
20. What is said of this statute? (170)
21. Now in what section, township, and range do you live?

Topical Outline of Chapter VII.

CONGRESSIONAL TOWNSHIPS.	{	1. Defined.
		2. Necessity For.
		3. How Made.
		4. Ranges.
		5. Townships.
		6. Sections.
		7. Subdivisions of Sections.
		8. How Used. { 1. Farms.
		2. Town Lots.
		9. Title.
		10. Limitations.

CHAPTER VIII.

CITIES, TOWNS, AND VILLAGES.

171. Powers, How Defined.—In furtherance of the principle of local government the Constitution of the State has given to cities and towns the right to organize for the control of their affairs. Their governments are chiefly executive, but they also have minor judicial and legislative powers. But just as the Legislature's powers are limited by the Constitution, so are the powers of city government limited by the statutes enacted by the Legislature. A city or town can legally exercise no power except such as is given it by that body. It must not be forgotten, however, that county and State authority extends over cities and towns just as much as over any rural district. The township in which the city is has the same officers as any other township. But in addition thereto, the city has certain other officers. These are mayor, board of aldermen, clerk, collector, treasurer, assessor, police judge, and marshal, and yet other officers for the larger cities.

172. Necessity for City Government.—It is necessary to have local officers to look after the affairs of a town. Wherever men congregate there is danger of disorder. Policemen and marshals are needed to see that the little jarrings that come from rivals in business do not lead to infractions of the law, and to quickly suppress the vicious and lawless persons that often gather about towns. Besides, streets, sidewalks, and sewers must be constructed, lights and water provided, nuisances abated and fires prevented. The County Court can provide for none of these things. It is, therefore, to promote the general welfare of the people that city government is established.

173. Incorporation.—Before the adoption of the present Constitution the inhabitants of a particular town, desiring to organize as a city, applied to the Legislature for a special charter of incorporation defining the powers of the city and describing its territorial boundaries. But as the Constitution prohibits the passage of any law that violates vested rights, either of a private citizen or of any corporation, some cities yet have these special charters. They can not be taken from them, but may voluntarily be surrendered by a majority of the voters. But a city can not be incorporated by a special charter from the Legislature under the present Constitution. That instrument directed the enactment of a general law under which cities should be classified and organized according to the number of their inhabitants. The same powers are given by the statute to each city of the same class. Whenever an unorganized city or town now wishes to incorporate, a petition is signed by the majority of its taxable inhabitants and presented to the County Court. The court enters on its records an order declaring such a city incorporated, defining its boundaries, and designating its first set of officers, who hold office until the time of the next regular election for all cities of its class, as fixed by law.

174. How Governed.—Cities are governed by ordinances passed by the city council. These ordinances prescribe the duties of each officer and undertake to punish only such crimes as may be classed as misdemeanors. But there are other ordinances defining the width of the streets, directing the making of sidewalks, defining the limits in which wooden houses may be constructed, and prescribing rules for the control of light and waterworks, sewers and street railways and the management of parks.

175. Classes.—Cities in Missouri are divided into four classes, according to population. All cities having five

hundred inhabitants and not more than three thousand, and all towns of less than five hundred inhabitants existing by reason of any special law, are cities of the fourth or lowest class; those having three thousand inhabitants and less than thirty thousand, are cities of the third class; those having thirty thousand inhabitants and less than one hundred thousand, are cities of the second class; and those having one hundred thousand inhabitants or more, are cities of the first class. These classes differ in the powers delegated to each, the higher the class the greater its privileges. A city of one class having the requisite population may become one of a higher class when a majority of its legal voters ratify an ordinance making such change. But these classifications do not apply to cities which are organized by reason of a special charter from the Legislature. All towns of less than five hundred inhabitants, not now incorporated, are declared to be villages.

176. Cities of Fourth Class—500 to 3,000.—

There are about two hundred cities in Missouri belonging to this class. Each has the officers named in the first section of this chapter. The *mayor* is the chief executive officer. He exercises supervision over all other officers, appoints its minor officers, and may with the board of aldermen remove from office any officer. An ordinance can not become operative unless it receives his approval, but if vetoed by him it may be again passed by two thirds of the members of the council, and it then becomes a law and can be enforced. These are the general powers of mayors in cities of every class.

177. Board of Aldermen.—

Each city of the fourth class is divided into not less than two wards, and from each ward the people elect two aldermen, and the whole number of such aldermen is called the board of aldermen. It passes all the ordinances of the city, allows accounts against

it, requires a settlement from each officer, levies the taxes, sells franchises to companies to construct electric and gas light plants, or, when authorized by two thirds of its voters, constructs such plants at the expense of the city, and otherwise controls the city's affairs. In cities of a higher class some of its duties are performed by an auditor, comptroller and board of public improvement.

178. Marshal.—The marshal is the chief police officer of cities of the fourth class. It is his duty to preserve order on the streets and see that they are not obstructed, to make arrests, and watch the conduct of suspected persons. He can arrest any person he may observe violating the ordinances, and all other persons against whom a warrant has been issued.

179. Police Judge.—This officer issues warrants for the arrest of persons charged with misdemeanors. When any person is brought before him by a marshal or a policeman he may have a jury called to try him, or if a jury be waived the police judge alone may try him. A person convicted of crime, he may commit to jail unless his fine is paid or an appeal is taken to the Circuit or Criminal Court. Where the ordinances of a city have not created a police judge, his duties are performed by the mayor.

180. Duties of Other Officers.—The duties to be performed by clerk, assessor, collector and treasurer are similar to those required of the county officers of the same name, except that the clerk transcribes all ordinances into the general ordinance book. The term of all these officers of cities of the fourth class is two years, but one half the aldermen are elected each year.

181. Cities of the Third Class—3,000 to 30,000.
Cities of the third class have a few more privileges than

those of the fourth class. More policemen may be provided for and the city may build a hospital and construct a system of sewerage, and exercise other powers. Its affairs are regulated by a *council* composed of two councilmen from each ward, and the entire number of wards shall not be less than four.

182. Cities of the Second Class—30,000 to 100,000.—Cities of this class have yet greater privileges. They may make more rigid ordinances to prevent fires, may sell real property for taxes, may control the construction of street railways and may establish rigid sanitary regulations. Its legislative functions are vested in a *common council*, composed of two aldermen from each ward, one of whom is elected by the people of the ward and the other by the voters of the city at large.

183. Cities of the First Class—100,000 or More. The ordinances of a city organized as a city of the first class are passed by a “municipal assembly” composed of two houses, the “council” and the “house of delegates.” The council consists of thirteen members elected from the city at large for a term of four years, and the house of delegates has one member from each ward elected for a term of two years. In all cities of this class the law provides for a system of *registration of voters*, by which lists of voters by wards and precincts are made a few weeks in advance of an election, and then no person whose name is not found on such a list can vote. This is done to prevent fraud on the ballot. There is no law requiring registration of voters in any county or city except in cities having more than twenty-five thousand inhabitants.

184. Kansas City.—Under the Constitution a city having more than one hundred thousand inhabitants may

frame a charter for itself and when this is adopted by four sevenths of its qualified voters, it supersedes any existing charter, and may itself be amended at any subsequent time by an ordinance adopted by a vote of the people. But such charter must always be in harmony with and subject to the Constitution and laws of Missouri. Under this provision and an enabling act of the Legislature, Kansas City was organized with a new charter in 1887. There is a Common Council of two houses, called the Upper House and the Lower House. The Upper House consists of as many members as there are wards, and they are elected by the voters of the city at large. The Lower House consists of one member from each ward elected by the people thereof. An ordinance to be in force in the city must be passed by each house and be approved by the mayor. The police department of the city is managed by a board of police commissioners, composed of the mayor, and two or more commissioners appointed by the Governor. This board appoints policemen and controls and regulates the duties and discipline of all peace officers of the city. Too much importance can not be attached to the efficiency of the police of a city. The value of all property therein depends to some extent upon its faithful performance of duty.

185. City of St. Louis.—By the laws of Missouri the city of St. Louis was many years ago set off to herself, entirely free from the county in which situated. In other words, the city and county governments there are consolidated. There are no county officers, but their usual duties are performed by officers of the city. These are circuit judges, criminal judges, police judges, justices of the peace, mayor, collector, auditor, recorder of deeds, sheriff, and other officers elected by the city and paid out of its treasury. The city also collects and turns over to the State its share of the State taxes

just as does a county. But the police department is governed by a board of commissioners. Four commissioners are appointed by the Governor, and the mayor is *ex officio* its president. This arrangement for the city of St. Louis was made through what is known as its Scheme and Charter. The legislative powers of St. Louis are vested in the Municipal Assembly, composed of a Council and a House of Delegates. There are a great number of officers provided for a systematic government of its municipal affairs, and extensive powers are given for curtailing the liberties of the individual citizen.

186. Villages.—Provision is also made for any town of less than five hundred inhabitants to organize as villages. When a petition signed by two thirds of the taxable inhabitants is presented to the county court, it can declare such village incorporated. The powers and duties of village government are vested in a board of five trustees, and the first board is appointed by the County Court. It passes ordinances providing for police regulation of the town and for the levying and collection of taxes; and has power to appoint a treasurer, assessor, collector, and a constable or marshal.

187. Elections.—The statutes of the State fix the time for elections in all cities in the State, except those organized under special charters, either on the first Tuesday, or the first Tuesday after the first Monday, in April. At least one precinct is established in each ward, and each voter must vote in the precinct to which he belongs. In the city of St. Louis the elections are not annual, and some of the officers are elected in April and others at the regular November election.

188. Extending City Limits.—A city of any class has the power to extend its limits indefinitely, and take within its

corporate jurisdiction as much of the surrounding country as it desires, except that one city can not include another within its boundaries unless the legal voters thereof consent. The limits may be extended by ordinances approved by at least a majority of the legal voters of the city. The inhabitants of the added territory have no voice in this extension, unless the new addition includes a part of another incorporated town, in which case four sevenths of the voters thereof must consent to be added to the other city before such extension can be made. But no pastoral or agricultural lands thus included within any city can be taxed for city purposes unless they have been platted and reduced to lots of ten acres or less. This exception, however, will not exempt the personal property of persons occupying such lands from taxation for city purposes.

189. Rate of Taxation.—In addition to taxes levied for the support of the county and State, the inhabitants of a city must also pay taxes for maintaining the city government. In cities having less than one thousand inhabitants the rate of taxation can not, for ordinary city purposes, exceed twenty-five cents on the hundred dollars valuation; in cities having between one thousand and ten thousand inhabitants the rate can not exceed fifty cents on the hundred dollars; in cities having ten thousand inhabitants and less than thirty thousand the rate can not exceed sixty cents on the hundred dollars; and in cities of more than thirty thousand inhabitants the rate can not exceed one hundred cents on the hundred dollars valuation. All these rates, however, may be slightly increased for paying indebtedness that has been authorized by two thirds of the voters of the city, and the Constitution says that such indebtedness can not exceed five per centum of the assessed valuation of the property within the city. The only way, therefore, in which taxes can be materially

increased is for the assessor to increase the valuation of the property, and, as a check on him, the county boards of equalization have the right to increase or decrease his valuations in cities of the lower classes, and in cities of the first and second class are city boards of equalization with like powers to protect the taxpayer. This provision in the Constitution is of the greatest importance. Perhaps there is not a county court or a city council in the State that does not tax the people the highest rate permitted by law, and it was, therefore, a wise provision in the Constitution which fixed a mark above which taxation can not rise.

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CHAPTER IX.

PUBLIC SCHOOLS.

190. Purposes of Education.—Education is for the purpose of preparing one for right living. One's powers are increased almost in proportion as he becomes acquainted with the things that make a civilized and rich people, or with the elements that constitute a great country. The educational duties of the State consist largely in preparing its children to become useful citizens. In order that every person may acquire an education, public schools have been established by law. The State schools are divided into district schools, village or city schools, normal schools and a university.

191. School Districts.—Whenever there are twenty children between six and twenty years of age, in any locality not organized into a school district, the voters thereof are authorized to organize such a district, which may be irregular in shape and contain any number of children of school age, above twenty. But in the formation of new districts by dividing others, all districts effected, including the one to be formed, must contain thirty children of school age, or no such division can be made. In each school district is at least one schoolhouse, one teacher and three directors.

192. Annual Meeting—The law authorizes all the legal voters of a district to meet on the first Tuesday of April of each year, and (1) to elect by ballot one director for three years; (2) to determine the length of the school term for the next year in excess of six months, and (3) the rate, if any, they will tax themselves in excess of forty cents on the hundred dollars valuation for maintaining the school; and if the

district has no schoolhouse or desires a new one, to vote (4) for the erection of such a house, and to determine (5) on what amount they will further tax themselves for such purpose; (6) to decide on changes of the boundaries of the district, and (7) to vote (once in two years) for a county school commissioner; and to transact other business.

193. School Boards.—The school board consists of three directors, each of whom holds office for three years. A director must be a citizen of the United States, a resident taxpayer, a qualified voter of the district and must have paid a State and county tax within one year next preceding his election.

194. Powers of School Board.—(1) The school board is required to make rules and regulations for the government of the school. If it fails to do so, the teacher can make such rules or enforce those made for a previous teacher. (2) It is required to continue the school for six months in each year, if the tax of forty cents on the hundred dollars valuation and the district's share of the other school funds will suffice to pay the expenses of such term; if the funds in its hands will be sufficient for a longer term, it can continue the school as many months as the annual meeting may direct. (3) If the annual meeting has authorized the building of a schoolhouse, it can issue and sell bonds of the district to obtain money for such building, and may direct a levy upon the property of the district to pay these bonds. (4) It is required to employ legally qualified teachers. The contract must be signed by the teacher and the president of the board, and attested by the clerk. But no contract is binding unless the teacher holds a teacher's certificate, which must be in force for the full term for which the contract is made; and no teacher can be discharged when once employed, till such certificate is revoked by the county commissioner.

195. **City, Town, and Village Schools.**—The statutes provide that school districts embracing cities and towns may, by a vote of the people, organize into a “city, town, or village school.” Such schools have six directors, and a school building may be erected in each school ward, and one general high school may also be provided. If the school revenue is sufficient these schools must be kept open not less than seven months nor more than ten months in a year. Each is controlled by a board of six directors, two of whom are elected each year.

196. **Taxation.**—Each school district is by law compelled to submit to a tax of forty cents on the hundred dollars assessed valuation of all the property therein, for employing teachers and maintaining the school, and this rate may be increased by a majority of the voters to sixty-five cents in the country districts, and in city, town, and village districts to one hundred cents. If the voters have at the proper meeting directed the building of a schoolhouse, the district must submit to a further tax above that authorized for maintaining the school and employing teachers, of forty cents on the hundred dollars valuation, until this house is paid for, and this rate may be increased, by a vote of two thirds of the voters at any annual or special school meeting, to one hundred cents on the hundred dollars valuation in city, town or village schools, and to sixty-five cents in other districts. Thus, it is possible for the people of a city district to impose on themselves a tax of one per cent for maintaining their schools and employing teachers, and, in addition, to an equally large amount for building and paying for schoolhouses. But if they do not by their votes choose to pay more for teachers, and are not indebted for their schoolhouse, the school tax can not be above forty cents on the hundred dollars valuation of the property of the

district, according to the county assessment; and, even if they are indebted for building, the tax for all school purposes can not be above eighty cents on the hundred dollars unless the voters of the district choose to make it higher. Each school board is required to certify to the county clerk the rate of taxes authorized by the district, and the clerk thereupon apportions to each inhabitant of the district his share of such taxes, and this the county or township collector is authorized to collect.

197. School Funds.—There are several kinds of permanent school funds created by law in this State for the purpose of supporting schools. The *local fund* has been discussed in the last section on taxation. But in addition, there are the State Fund, the County Fund, and the Township Fund.

198. The State School Fund.—This fund by the Constitution is called the "Public School Fund," and now amounts to more than three million dollars. It is derived from two sources. (1) At various times Congress granted to Missouri certain saline lands lying within her borders, to be sold, and the proceeds turned into the State treasury. By the Constitution this fund is invested in State or Government bonds and the interest is used to support public schools. This fund had its origin in an act of Congress, dated June 13, 1812, the passage of which was secured by Thomas F. Riddick, an honored citizen of Missouri who afterwards helped to frame its first Constitution. (2) It sometimes occurs that persons, without known or ascertainable heirs, die leaving estates. The proceeds of such estates are turned into the State Treasury, and go to increase this fund.

199. County School Fund.—This fund at the present time amounts to about four million dollars and is increasing

annually at the rate of about one hundred thousand dollars. It is now derived almost entirely from fines, penalties, and forfeitures. The net proceeds of fines imposed in courts of law go into this fund, and also of bonds forfeited to the State. These funds belong to the several counties, and by the County Courts thereof are loaned on real estate, and the income is apportioned among the proper school districts.

200. Township School Fund.—The first Constitution of Missouri provided that section 16 of every congressional township should be sold and the proceeds added to a "Township School Fund." This fund amounts to three and a half million dollars.

201. Legislative Appropriations.—The Constitution provides that at least one fourth of the ordinary State revenues shall be appropriated for use of schools. For some time the Legislature has appropriated one third of the revenues to this purpose. The entire amount annually turned over to the schools from these appropriations and from the other school funds, aggregates nearly a million dollars. So, in addition to the moneys derived from local assessments, the public schools of this State have an endowment of more than ten million dollars and an annual income of nearly one million dollars. The entire amount annually spent for public schools in Missouri is nearly six and a half million dollars.

202. State Normals.—For the purpose of training teachers the Legislature has established three normal schools—at Kirksville, Warrensburg, and Cape Girardeau. Each of these schools is managed by a board of regents appointed by the Governor, and these boards elect a faculty or a set of skilled teachers. The number of students at these schools is large. A normal department for training teachers has been

also added to the State University. For the training of teachers for the schools of colored children, Lincoln Institute at Jefferson City has been established.

203. The State University.—For the purpose of affording the highest education to any young person in the State in collegiate learning, in the law, in medicine, and in scientific agriculture, the State University is established at Columbia, and has been endowed with about twelve hundred thousand dollars, and besides the Legislature makes an annual appropriation to its support of fifty thousand dollars or more. Its faculty is composed of learned scholars, and it is managed by a board of curators appointed by the Governor. It is the crowning work of the educational system of the State.

204. Teachers' Institutes.—In most counties there is held annually a teachers' institute, conducted by the county commissioner and other instructors, who review the teachers in the subjects taught in the public schools, and issue certificates, or licenses, to such persons as are qualified to teach. Similar institutes for the training of colored teachers are held in districts of an indefinite number of counties.

205. Separate Schools for Colored Persons.—The Constitution says: "Separate schools shall be established for the education of children of African descent." The schools for the education of such children are of the same length as those for white children in the same district; and if there are fifteen such children of school age in a district a school must be provided for them by the school board and if there are a less number they can attend any school for colored children in the county and the school board must pay their tuition.

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CHAPTER X.

ELECTIONS.

206. Purpose of Elections.—Americans believe in the rule of the people. It is an underlying principle here, one that no man has ever been able to withstand, that the will of the majority shall control; and in order that that will may have expression, the State has provided for elections at which each citizen may express by his ballot his choice for candidates or for a political principle. In this chapter we shall consider the rules governing general elections only.

207. Time of Holding Elections.—The laws of Missouri require an election to be held in each township in the State and in each ward in the city of St. Louis on the first Tuesday after the first Monday of November in the year 1896 and every two years thereafter, for successors to all State and county officers, judges, members of Congress and State Senators, whose terms are about to expire. The Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, and at least one judge of the Supreme Court, and one Railroad Commissioner, are elected on the same day that presidential electors are chosen, and Representatives in Congress and in the General Assembly and half the State Senators are elected at the same time. Two years later the Superintendent of Public Schools, one Railroad Commissioner, at least one Supreme Judge, one half the State Senators, and Representatives in Congress and in the General Assembly, are elected. And at one or the other of these general elections all county officers and all judges of the Circuit Courts are elected.

208. Precincts.—In order that each citizen may have full opportunity to cast his ballot, the law provides that the County Court of each county shall, several weeks before an election, designate a voting place in each township of the county, and more than one if the convenience of the inhabitants may require it; and a notice, naming the precincts selected and the date of the election, is posted in each township. The Sheriff is required to provide two ballot boxes for each precinct, and to turn them over to the Constable, who on the morning of the election delivers them to the judges of the election.

209. Judges and Clerks.—The County Court is also required to appoint for each precinct six judges of election and four clerks; three of the judges to be taken from the political party that polled the largest number of votes at the last general election, and three from the party that polled the next highest number. Two of these judges, one from each party, write their names or initials on the back of the ballots and deliver one to each voter, who takes it to a booth, where he can be free from observation, marks it as he desires, folds it so as to expose the initials or names of the judges thereon, and hands it to one of two other judges called "receiving judges." If the judges deem him a legal voter his ballot is deposited in the ballot box, and his name and the number of his vote are entered in two poll books by the clerks, and the number of his vote is also written on his ballot. After voting has continued for an hour the other two judges, called "counting judges," and two clerks begin to count the votes that have been cast, and while they are doing this the election continues, the votes of other persons being deposited in the other ballot box. When the polls are closed and the ballots counted, the number of votes cast and the number for each candidate are entered in each poll

book, and these are signed by the judges and attested by the clerks, and the result of the election is publicly proclaimed. One of the poll books is transmitted to the County Clerk within two days, and the other is retained in the possession of the judges of election, open to the inspection of all persons.

210. Secret Ballot.—No one has any right to know how any man votes. Safeguards have been provided to secure a secret ballot, in order that the voter may be relieved of any intimidation, or coercion, or fear, and may be entirely free to vote as he desires. No one is allowed to attempt, in anywise, to influence his vote within the polling place. No one is permitted to go with him to the booth where he prepares his ballot, and if he can not prepare it himself it must be done by two judges of different political affiliations. No one is permitted to unfold or see his ballot before it is placed in the ballot box, and after it is placed there only the counting judges and clerks, who can not know whose ballot it is, are permitted to unfold it in order to properly count it, and when that is done it is securely locked in a box, and can never be examined by anyone except by order of a court, or of some other authorized officer, in a contest over the result of the election. Before the judges enter upon their duties at an election, they are required to take an oath that they will not disclose how any voter may vote, unless required to do so as a witness in a proper judicial proceeding.

211. Ballots.—The ballots for a general election are furnished by the county. The County Clerk superintends the publication of them and delivers them to the judges of election, and they are prohibited from permitting anyone to get possession of a ballot except a voter ready and desiring to vote, and he can not take it from the polls. In order to have an entirely secret ballot it is necessary that the county

furnish the ballots, and that the greatest precaution be taken that no persons except those lawfully entitled to them at any time before the close of the election obtain possession thereof. The ballots must contain the names of all the candidates properly nominated for any office. In order that they may not be too large, and the county put to too great expense in printing them, the Legislature has provided that all candidates must be nominated by a convention or by a primary election of a political party, or by a certificate, and that a political party for this purpose is an organization that at the last general election polled at least three per cent of the entire number of votes cast in the State, or in the district or county for which the nomination is made. A party polling such a percentage of the votes can nominate its candidates by a convention of delegates or by a primary election, and the names of such candidates can be printed on the official ballot at the expense of the county; but a party which had a less percentage of votes can get the names of its candidates on the ballot only by having a certificate signed by not less than fifty nor more than one thousand voters. But the law requires that a blank space be left after every name on the ballot, so that the voter may write in the name of any person for whom he may wish to vote.

212. How Prepared.—The ticket of each political party appears on each ballot. The voter draws heavy lines entirely through all of them except the one he wishes to vote; and then if he prefers to vote for some man whose name is on one of the tickets he has erased, he can write his name in the ticket of his choice. He must collect the names of all the candidates for whom he votes into one group, under the name of some party ticket.

213. Transmitted to the Clerk.—The ballots and poll books must be transmitted to the County Clerk within

two days after the election. He securely keeps the ballots and is not allowed to read or examine them until commanded to do so by some court or other authorized officer. At the end of one year he destroys them. Within five days after the election he and two justices of the peace, or two judges of the County Court, cast up the number of votes polled in all the townships in the county, as certified to him by the judges and clerks of election, and to each county officer receiving the highest number of votes he issues a certificate of election, and certifies to the Secretary of State the number of votes cast for State officers, judges, and congressmen, and that officer casts up the vote in all the counties for Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Attorney-General, Railroad Commissioner, and Superintendent of Public Schools, and sends these returns to the Speaker of the House, who, in the presence and under the control of the Senate and the House, opens and publishes the same. The votes for candidates for all other State or district offices is counted by the Secretary of State in the presence of the Governor, and to the person receiving the highest number of votes is issued a certificate of election.

214. Hours of Voting.—The law requires that the polls shall be opened at seven o'clock in the morning and be continued open till six o'clock in the evening, unless the sun shall set after six o'clock, in which case they shall be kept open till sunset, except in cities having more than twenty-five thousand inhabitants. In them the election begins at six o'clock in the morning and continues to seven in the evening.

215. Elections in St. Louis.—There must be one precinct in each ward in the city of St. Louis and of Kansas City, and as nearly as practicable one for every three hundred voters. By a recent law, applicable to these cities

only, the number of precincts has been greatly increased, and other details of an election are different from those in the rest of the State. But the general principles governing all elections in Missouri are the same.

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| 8. Hours of Voting. | | | | |
| 9. In City of St. Louis. | | | | |

CHAPTER XI.

ELEEMOSYNARY AND PENAL INSTITUTIONS.

216. General Remarks.—Every humane State has made some provision for its unfortunate citizens and for confining in narrow places those who have forfeited their right to liberty. In every State there are insane persons who can not be properly cared for in their homes; there are also blind and deaf and dumb persons and helpless paupers. For the care of these the State has established asylums and “poor” houses or eleemosynary institutions. There are also criminals who have been convicted of crimes, and must be punished. For this purpose there is a penitentiary and county jails and workhouses.

217. Asylums for the Insane.—There are three asylums for the insane. They are called State Lunatic Asylums, numbers 1, 2 and 3. Number 1 is located at Fulton, number 2 at St. Joseph and number 3 at Nevada. The Governor appoints for each a board of managers, composed of five members, each for four years, but each removable at his pleasure, for superintending the management of these asylums and for selecting proper officers thereof. Each has a superintendent who is a skilled physician, a number of assistant physicians, a matron, treasurer and steward.

218. Inmates.—Persons afflicted with any form of insanity may be admitted by the superintendent of these asylums upon the certificate of two physicians. There are two classes of persons admitted: (1) Pay patients, or those whose expenses are paid out of their estates or by their relatives; and (2) the “insane poor,” whose expenses are paid by the county from which they are sent. But before the

funds of an estate can be used for this purpose the inmate must be declared insane by a jury of the county.

219. Deaf and Dumb Asylums.—A well managed asylum for mutes has been established at Fulton for many years. Deaf and dumb children between the ages of eight and twenty-one years may be educated there “in written and sign language” and in such useful trades as may be open to them. A corps of instructors is selected by a board of managers, which is appointed by the Governor. The expenses of the most of the inmates are paid by their families, but in some cases the county court can use the county revenue for that purpose. Each mute may remain at the asylum ten years unless sooner excused by the superintendent.

220. School for the Blind. The school for educating blind children between nine and twenty-one years, is in St. Louis. Their expenses are defrayed in a few cases by the counties, but in most cases from private means. Only children of sufficient mental capacity to receive instruction can remain in this asylum. It is managed very much as the other asylums are.

221. Homes for the Poor.—In almost every county there are helpless poor. They are cripples, infirm persons and harmless imbeciles. Each County Court is authorized by law to purchase and maintain a home for these, and provide for their maintenance. These homes are usually small farms, supplied with plain houses. Persons are sent to them by the County Court. It is a commendable provision of the law that cares for these unfortunate people.

222. The Penitentiary.—The State prison is located at Jefferson City. To it are sent all persons over twenty-one years old convicted of a felony, unless the felony is punishable with death. For its management there is a board of

inspection, composed of the Governor, Auditor and Attorney-General. The Governor appoints a warden, and there are guards, matrons, turnkeys, a physician and a chaplain. The prisoners are compelled to work. The labor of many of them is sold to contractors, who use them for making shoes, chairs and many other things, and pay so much per day for each prisoner by them employed, and out of the money thus obtained the State pays the expenses of feeding, clothing and keeping them. They are confined within heavy walls and for good behavior their terms of imprisonment are lessened one fourth. The problem of how to manage prisoners has always been a difficult one. The truth is, criminals are a disturbing element to society at every step they take.

223. Jails and Calabooses.—Criminals convicted before the Circuit Court or a justice of the peace of misdemeanors may be sent to the county jail, and for like offenses before the police judge are sent to a city calaboose. But if their punishment is fixed at only a fine and if that is paid, they are discharged, otherwise they may be committed to these prisons.

224. Reform Schools for Boys.—The Legislature has come to the conclusion that the younger persons convicted in the courts may be reformed. It has, therefore, established at Boonville a Reform School for Boys, to which all boys under eighteen years of age convicted of a felony or misdemeanor and all obdurate and criminally inclined youths, may be sent. The expenses of the inmates may be paid by the county and they can not remain after they are twenty-one years old. They are instructed in elementary education and taught useful trades, and the undertaking is working well.

225. Industrial Home for Girls.—This school is at Chillicothe. It is for girls convicted of crimes, and for other

vicious girls. The best influences are thrown around these girls to lead them back to honest lives.

226. Expenses, How Paid.--The expenses of all the institutions mentioned in this chapter, except jails, calaboooses, and homes for the poor, are paid out of the State Treasury, in accordance with appropriations made for the purpose by the Legislature.

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ELEEMOSYNARY AND
PENAL INSTITUTIONS.

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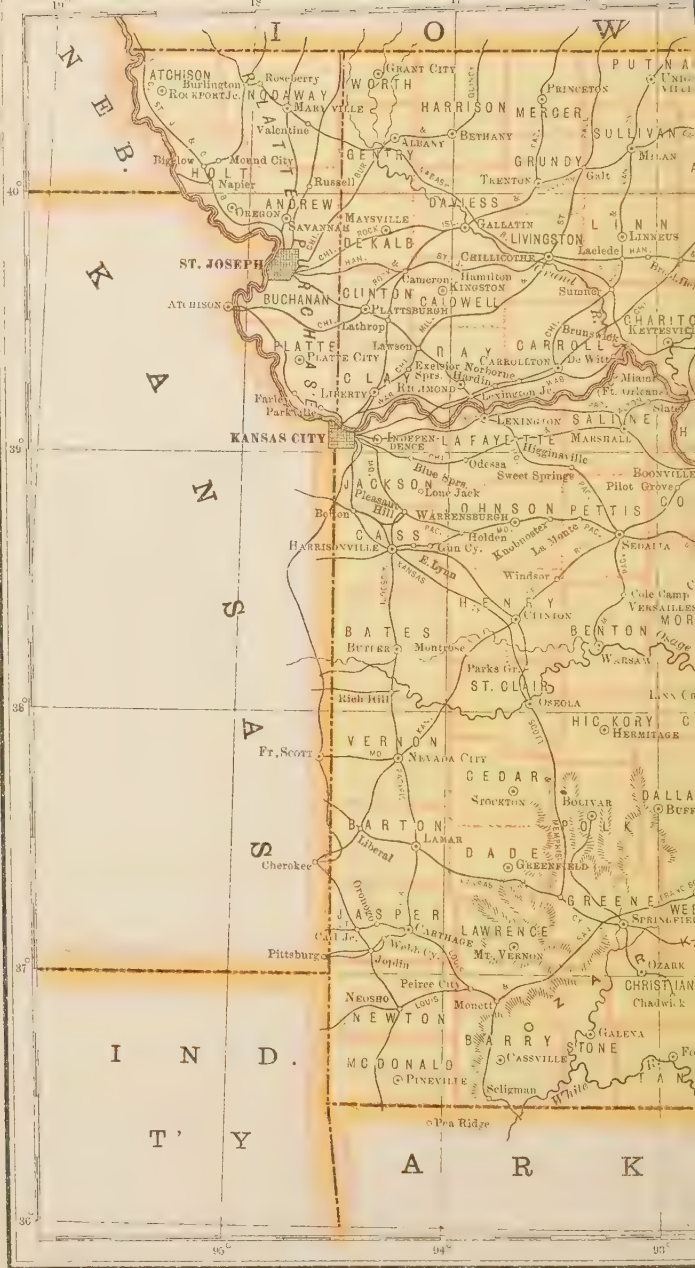
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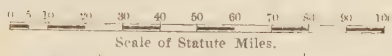
MAP OF MISSOURI

TO ACCOMPANY

RADER'S SCHOOL HISTORY
OF MISSOURI.

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West 92° from Greenwich 10° 80°

HISTORY OF MISSOURI.

PART I.

FRENCH AND SPANISH PERIOD.

CHAPTER I.

DISCOVERIES.

1. **Missouri's Unique Story.**—The History of Missouri has long been neglected. Missouri was the first Territory west of the Mississippi, with the single exception of Louisiana, to become a State. Because of her position west of that great river and on the border line between the North and South, because of the national disturbances which grew out of her admission, because of the special condition imposed on her at the time of her admission, and because of her subsequent relations to the extension of slavery into other Territories, her history is an unique one. Its study has often been more partisan than patriotic. Often prejudiced men have taught it only for the purpose of dividing the people against each other, instead of conserving harmony and patriotism.

2. **Value of Missouri's History.**—Her history is an epitome of the history of the United States. The way in which mighty forests and fertile heaths can be changed by

cultivation and population from a wild wilderness to a civilized community, may be traced as plainly in the history of Missouri as in that of New England, the Middle or Southern States. In it we can easily trace the downfall of cherished institutions, and the uprising of a new order of things. In it we can study the growth of laws, religion, and education. In it we see an explanation of our country's wonderful growth and great strength. To study thoughtfully the history of Missouri, then, is, in many respects, to study the history of the United States. To inspire in the young a love for Missouri and a pride in her greatness and in the honor of her people, and thus to assist them in being more useful and worthy citizens, is the object of this book.

3. The First White Man.—The first white man to put foot on the soil of Missouri was Hernando De Soto, in 1541. De Soto was a Spaniard. He had been with Pizarro in the conquest of Peru, and had returned from his buccaneering ventures there to Spain with a fortune of a half million dollars. Hearing of the wonders of Florida and the country beyond it, that it abounded in gold and precious stones, he was fired with a passion for its conquest, and obtained permission from the king to fit out an expedition for this purpose at his own expense. It was more like a royal pageant than an exploring party. His force consisted of six hundred followers, twenty officers, and twenty-four ecclesiastics, all gorgeously arrayed in splendid armor. He landed in great pomp at Tampa bay in 1539, and driving a great number of cattle and hogs before him for food for his men, proceeded west. The Indians and forests interposed. His followers were not trained to overcome the hardships of either. Some were killed by the Indians, and others died from sickness. No gold was found. The Indians told him of fabulous amounts of it to be had on the Mississippi river.

He pressed forward and reached the river near Memphis, Tennessee, in 1541, and pursued his way north into the region now known as New Madrid county in our own State. He then moved west, crossed the Ozark mountains, and spent the winter on the prairies and plains beyond, all the time searching for gold and silver, but finding none. He moved southward into Arkansas, reached Hot Springs and White river, and then came back to the Mississippi, where he died in the spring of 1542. The Indians believed him to be the Son of the Sun, who could not die. His priests, to conceal his death, therefore, wrapped his body in a mantle, sunk it at night in the great river he had discovered, and chanted over it the first requiem ever heard in the Mississippi valley. "The wanderer," says Bancroft, "had marched over a large part of the continent in search of gold, and found nothing so remarkable as his burying place." Most of his followers perished before they reached Spain.

4. French Explorations.—The Spanish, however, were not the first settlers. On the contrary, they did nothing toward colonizing Missouri, and it was two hundred and twenty years after De Soto's death till they again appeared on this territory. Even the part they then took was unimportant. In the meantime the French, moved by a desire of doing missionary work among the Indians and enticed by the profitable fur trade, had pushed many hundred miles further west than had the English settlers along the Atlantic coast; had, from their homes in Canada, penetrated the forests around the Great Lakes, made several explorations of the Mississippi, and taken possession of the country in the name of France. We must speak briefly of these expeditions. The first was in 1673, by James Marquette. He belonged to a noble family of the beautiful old cathedral city of Laon in France. He was a kind of soldier-priest, and it was in the spirit of a missionary to the Indians that he and Louis Joliet,

with five other men, left Quebec, which was then a French colony, and began a toilsome journey toward the Southwest. They discovered the upper Mississippi, and passed down it to the mouth of the Arkansas.

5. La Salle and the Ascent of the Missouri.—In 1682 La Salle, another Frenchman from Quebec, explored the Mississippi to its mouth, and formally took possession of the whole country in the name of Louis XIV, the reigning king of France, in whose honor he called the country Louisiana. It was of indefinite limits, and, of course, included the present territory of Missouri. So our soil first belonged to France. Within the next fifty years various settlements were projected, all in the interest of the mining of gold and



ROBERT CAVALIER DE LA SALLE.

silver. Most of these were on the east bank of the Mississippi, but in 1705 a prospecting party of Frenchmen ascended the Missouri river to where Kansas City is now situated. This was the first ascent of this noble river by white men. It was first called *Pek-i-ta-nou-i*, by Marquette, which is an Indian word, meaning “muddy water.” About 1712 it was first called Missouri, from the name of a tribe of Indians who inhabited the country at its mouth and along a considerable

portion of its banks. There is no authority for the often repeated assertion that “Missouri means muddy.” This

definition of the word was given it after the name of the river was changed from Pekitanoui to Missouri.

6. Interior Explorations.—An exploration of the interior of Missouri by the French was begun in 1719. The authorities at New Orleans ordered the expedition, and De Dutisne was placed in charge of it. He started with his force from the mouth of Saline river, a stream about seventy miles south of St. Louis. He moved northwest across the Ozark mountains to the Osage river, near which he came upon a village occupied by Osage Indians, containing about one hundred cabins and huts. One hundred and twenty miles further west he found two other large villages, inhabited by Poncas Indians, who seemed to own many horses. He returned by way of the Missouri river, and took formal possession of the country by erecting posts with the king's arms thereon. After this expedition the daring Frenchmen ventured into the forests for purposes of hunting, trading and mining. The rapidity with which they came excited the jealousy of the Spanish, who still claimed the country.

7. The Spanish Caravan.—The Spanish authorities determined to destroy the power of the French along the Missouri and Mississippi. In 1720 they organized a motley troop at Santa Fe, to which was given the name of "The Spanish Caravan." It moved across the plains and entered the Missouri country. Its leader had been informed that the Pawnee Indians were friends of the Spanish and enemies of the French and Missouris. He directed his guides to lead him to the Pawnee camp. Instead of doing so, they led him to the camp of the Missouris. There he told the Missouri chief of his intention to kill all his tribe and exterminate the French. The chief heard him with silence, treated the caravan with hospitality, summoned his warriors and while

the Spanish supposed they were in the midst of their friends, fell upon them and exterminated the whole caravan.

8. Fort Orleans.—The boldness of the Spanish Caravan induced the French to send a force up the Missouri. It built a fort somewhere along the river, which Lewis and Clark, in their travels, say was situated on an island a few miles below the mouth of Grand river. De Bourgmont, from Mobile, was in command, and called it Fort Orleans. At this time a general Indian war was being waged, which greatly interfered with the fur trade. To remedy this, Bourgmont undertook to make peace among the Indians. He succeeded in holding a council of their chiefs, on the Kansas river, where the pipe was smoked, and a general peace was concluded. Soon after this Fort Orleans was destroyed and the garrison massacred, probably by the Missouris, who were always troublesome to the whites, but this point is in doubt. The fur trade went on, but so far there had been no permanent settlement within the present limits of Missouri.

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2. In what respect is it like the history of other parts of the country? (2)
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5. What great river did he discover? (3)
6. Mention some French explorations? (4)
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8. Who named Louisiana? (5)
9. After what king was it named? (5)
10. Where were the French settlements? (5)
11. When was the Missouri river named? (6)
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13. Does Missouri mean "muddy?" (6)

14. When was the interior of Missouri first explored? (6) Describe them. (6)
15. Describe the Spanish Caravan. (7)
16. What is said of Fort Orleans? (8)

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| | | 2. Purpose of this Book. | | | | | | | |
| | | 3. De Soto. | | | | | | | |
| | | 4. Discovery of Mississippi. | | | | | | | |
| | | 5. French Explorations. | <table border="0" style="display: inline-table; vertical-align: middle;"> <tr> <td rowspan="5" style="font-size: 4em; vertical-align: middle;">{</td> <td>1. Marquette.</td> </tr> <tr> <td>2. La Salle.</td> </tr> <tr> <td>3. Name of Louisiana.</td> </tr> <tr> <td>4. Missouri River.</td> </tr> <tr> <td>5. Interior Missouri.</td> </tr> </table> | { | 1. Marquette. | 2. La Salle. | 3. Name of Louisiana. | 4. Missouri River. | 5. Interior Missouri. |
| | | { | 1. Marquette. | | | | | | |
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| 6. Spanish Caravan. | | | | | | | | | |
| 7. Fort Orleans. | | | | | | | | | |

CHAPTER II.

THE FIRST SETTLEMENTS.

9. **The First Permanent Settlement.**—The first place settled in Missouri was Ste. Genevieve (pronounced Jen-e-veev) in about 1735. It was about three miles from the present town of that name on the Mississippi river, sixty miles below St. Louis. For some time daring and hardy Frenchmen had been gathering in and around Kaskaskia, a settlement in Illinois, until at this time it had about six thousand people. Most of them had come in search of gold and silver. Some of them, under Renault, a wealthy and extensive miner, crossed over into Missouri in search of these metals. They found none, but they did find lead in abundance. Furnaces were prepared for smelting, and it was conveyed in boats to New Orleans, and then to France. In 1785 the old town was destroyed by flood, and the site of the present town was selected. Many settlers came from the east side of the Mississippi, and the town soon became an important trading point.

10. **The Next Settlement.**—The next settlement of any consequence was St. Louis. Its founder was Laclede, whose name has since been given to many business institutions in the State. His full name was Pierre Laclede Liguette, but he was more generally known as Pierre Laclede. He was a man of great business sagacity. In 1762 he and some associates, among them Antoine Maxent, obtained from D'Abbadie a monopoly of the fur trade with the Indians of Missouri. D'Abbadie was the director-general, the civil and military commander of Louisiana, and exercised a vice-regal authority. Laclede explored the regions along the Mississippi in search of the best point at

which to establish a trading post and sell goods. His keen commercial sense directed him to a bluff on the west side of the river. Here on the spot where the old Merchant's Exchange and Barnum's Hotel afterward stood, on the south side of Market street, which took its name from the only market house the city contained for sixty years, he cleared away the heavy timber and erected his trading post, in February, 1764. This was the beginning of St. Louis. Laclede was right. It was the best place for trade then. It is the best now.

11. **St. Charles.**—The first settlement in St. Charles was made by Blanchette, "the hunter," about the time St. Louis was founded, and was called Village des Cotes (the village of the hills). It was the first settlement north of the Missouri river. Most of the Indian wars, massacres and adventures which attended the early settlements of the State, took place here. It was here the first forts were built, and here the renowned Indian chief, Black Hawk, made his first efforts against the whites.

12. **Missouri Transferred to Spain.**—About this time ended French rule in Missouri. The battle of Quebec, in which had met the chivalrous Montcalm and the noble Wolfe, the one commanding the intrepid French and the other the invincible English, had been fought more than four years before. It was the end of a contest between these two peoples for the possession of America. It was decided in favor of the English, and the decision marks an epoch in the progress of civil liberty. France, by a treaty ratified at Fontainebleau in 1763, gave up all her territory in America—the Canadas, and all that part of Louisiana east of the Mississippi, except New Orleans, to England; and New Orleans and all the country west of the river to Spain as an indemnification for her losses in the war. England thus acquired

rule over the east side of the river before Laclede had settled in St. Louis, but Missouri belonged to Spain. England at no time before or after this was entitled to Missouri's soil. Because of the long war between England and France, the settlers along the upper Mississippi valley, most of whom were Frenchmen, greatly disliked the idea of being subject to England. It was thought Spain could never exercise dominion over her newly acquired territory, and hence many of them crossed over the river into Missouri. This will explain why the population increased so rapidly for the next few years, and why it was mostly French, although governed by Spain.

13. St. Ange's Rule.—Although the title to Louisiana was now in Spain, the officers of that nation did not succeed in formally taking possession of the country till 1770. Soon after the treaty was signed, St. Ange de Bellerive, who was commander for the French in Illinois, surrendered his authority to Captain Sterling, the representative of England, and settled in St. Louis. He was followed by many of the French settlers east of the river. By common consent, and probably by permission of the government at New Orleans, he was made the commandant of the settlement. He was a wise and safe ruler.

14. St. Ange and Pontiac.—St. Ange and the settlers were enemies of English rule, and friends to England's enemies. They were admirers and supporters of Pontiac, a powerful Indian chief, who was the terror of the whites from the Atlantic to the Mississippi. Pontiac, aided by the French, had met a strong English army at Pittsburgh under Braddock and George Washington, and disastrously defeated it. St. Ange invited Pontiac to visit him, which he did. He was entertained with great distinction at the house of Madame Chouteau and was visited by the principal citizens.

But when France lost her possessions in America, Pontiac thereby lost his greatest support. His allies among the Indians soon afterward forsook him. He was crushed in spirit and sought to drown his sorrow in intoxicating drink. He visited Cahokia, richly dressed in robes adorned with eagles' feathers. Becoming stupefied by drink, he wandered into a thicket near the place, and was there assassinated by a Kaskaskia Indian, who was hired by an English trader and received a barrel of whisky for the murder. St. Ange had his body brought to St. Louis and buried at the intersection of Walnut and Fourth streets, where it still rests. Near his grave St. Ange was buried in after years. Houses are there now, and it is known by few that the great Pontiac and the good St. Ange lie in unmarked graves in the midst of the great city.

Questions on Chapter II.

1. Where was the first permanent settlement in Missouri? (9)
2. What is said of Renault and his followers? (9)
3. When and by whom was St. Louis settled? (10)
4. What is said of St. Charles? (11)
5. What is said of the battle of Quebec? (12)
6. What did France get by the Fontainebleau treaty? (12)
7. What did Spain get? (12)
8. Why did the French settlers in Illinois come to Missouri? (12)
9. What did St. Ange do? (13)
10. What is said of St. Ange and Pontiac? (14)

Topical Outline of Chapter II.

FIRST SETTLEMENTS.	{	1. Ste. Genevieve.
		2. St. Louis.
		3. St. Charles.
		4. Battle of Quebec.
		5. Treaty of Fontainebleau
		6. St. Ange.
		7. Pontiac.

CHAPTER III.

SPANISH RULE.

15. **First Spanish Ruler.**—The First Spanish Lieutenant-Governor, acting as a subordinate in most things to the Governor at New Orleans, was Don Pedro Piernas. The people regretted to see the flag of France lowered, and even shed tears when they realized that they were to be ruled by one of a different blood and nation from themselves. But their regrets did not last long. Piernas was a mild and safe ruler. He made few laws, and they were just and easily obeyed. He appointed St. Ange captain of his infantry, and filled nearly all the subordinate offices with Frenchmen. He began systematic surveys of the lands and appointed a Frenchman surveyor. He further publicly confirmed all the land grants made by St. Ange between the time of the transfer of the territory from France to Spain in 1763 and the beginning of the Spanish rule in 1770, which grants would of course have been illegal had he not confirmed them. He finally won the entire confidence of the people by marrying a French lady, so that after they had known him for five years they again shed tears to give him up. He had found a population of 891, most of which was confined to St. Louis and Ste. Genevieve. The people were mostly French, and few of them could read or write. There were no schools and very little desire for any. But they were honest, industrious and peaceable. Indeed, during the entire Spanish period of thirty-eight years, only one case of murder of a white man by a white man in St. Louis is reported.

16. **The Soil and Settler.**—The soil at that time was covered with thick forests or rank prairie grass, filled with all kinds of game, and inhabited by Indians who lived in

wigwams and hunted and fished for subsistence. The French settlers were possessed of an aptitude for easy and peaceable intercourse with the natives. They studied their language, took part in their sports, adapted themselves to their usages, humored their whims, and never ridiculed their religious ideas. Often the settler, of plastic temper, with a free-and-easy manner, would decorate his hair with eagle feathers, attach hairy fringes to his hunting shirt, and mix and mingle with the Indians as if they were his equal. Hence it was that there were fewer Indian wars in the early settlement of Missouri than in many of the other States.

17. **Houses and Ownership of Lands.**—The land was owned largely by tenancy in common. The principle of landlord and tenant, or of proprietary government, which was the most usual way of holding the soil in the early Atlantic States, never existed among them. The monopoly of the fur trade granted to Laclede was only a semblance to it, and even that, after it expired in 1772, was never repeated, and thereafter but few settlers received any special favors from the government. The settlements had each a common in the rear of the houses, inclosing hundreds of acres under one fence for the benefit of all. But the settlements themselves were compact villages, for the settlers were sociable and loved to congregate together. Nearly all the early ones were along some river. A long street usually extended parallel to it. The land along it was divided into lots a few rods wide and perhaps twice as long. On these the houses were built, which were usually one story high, constructed of corner posts and studs, to which were attached numerous cross-ties. Then a stiff mortar, made of mud and cut straw, was plastered onto the outside. The roof was shingled with bark or clapboards. The chimney was the celebrated "stick-and-dirt chimney." It was made of rock and burnt clay to

some distance above the intense heat of the fire, and from that distance was finished with alternate pieces of wood and clay plaster. The floors were made of logs with the upper roundness hewn flat, or of split logs, the flat sides of which were turned up, and, by notchings in the ends, were thus put on a level. These were called puncheon floors. The doors were hung on wooden hinges. Back of each house was a field, 192 feet wide and 7,800 feet long, containing about thirty-four acres. Each villager had one or more of these fields assigned to him, according to his desires, or the necessities of his family. Next to the fields was the common, stocked with cattle, hogs and horses, the property of all.

18. Social Relations.—Hospitality was a duty and a virtue. Each house was a free hotel to the extent of its capacity. Amusements, festivals and holidays were frequent. There were no statutory laws; no trades, nor professions; no courts, no prisons. The priests were their instructors and judges in all matters of learning and religion. In politics they were attached to France, and were not anxious about any political questions, believing that France ruled the world and ruled it right.

19. Settlement of Disputes.—There were no trials by jury during either the French or Spanish period. This great bulwark of English liberty—perhaps the distinctive characteristic of their government wherever the Anglo-Saxon race has spread—had no sway till after Missouri was acquired by the United States. If one wished to recover property, or had committed a crime, the matter was submitted to a judge, who decided as he understood the law and merits of the cause, or as his prejudices directed him.

20. British and Indian Attack.—We have now come to the time of the Revolutionary War, which though

fraught with very great consequences, yet disturbed these sturdy settlers very little. They were French subjects of Spain, and the war was fought by England and her subjects. These settlers, removed a thousand miles from the scene of the war, therefore, took no part in it, except as did Spain and France, to sympathize with the Colonies and wish for their success. In 1778 Virginia sent out General George Rogers Clark, who captured the British settlements in Illinois, such as Kaskaskia and Cahokia. The British undertook, soon after this, a comprehensive movement for the expulsion of the Spanish from the Mississippi Valley. The plan was first to capture St. Louis, recapture the towns taken by General Clark, and then move down the river to New Orleans. In a spirit of generous chivalry, General Clark offered his force to Governor DeLeyba, a cowardly, drunken, weak-minded Spaniard, who, in 1778, had succeeded Cruzat as lieutenant-governor. DeLeyba assured him there was no need of his aid, and it was therefore refused. The people, however, began a series of fortifications, and constructed a rude wall, which extended around the city and down to the river. Four or five months passed and nothing happened. But, on the twenty-sixth of May, 1780, a force of 150 whites and 1,500 Indians gathered in the woods around St. Louis, and first captured two citizens where the fair grounds are now situated, and which at that time were outside the wall. The hostile force proceeded at once to the attack. In doing so they intercepted several citizens, some of whom they killed, others escaped and alarmed the town. The fort had a few cannons, and the people were well supplied with small fire-arms. With these they made a spirited and determined resistance. The Indians were terrified by the cannons and withdrew. The number killed has never been definitely known. It was perhaps not more than thirty, though Lieutenant-Governor Sinclair says "sixty-eight were killed, and

eighteen blacks and white people taken prisoners." During the battle DeLeyba, the commandant, was aroused from a drunken carousal by the sound of the artillery. He at once ordered the firing to cease. Some of the inhabitants did not hear the order, and continued to fire. He then directed the cannons to be turned on them, which was done. This so infuriated the people that his removal was requested of the governor of Louisiana. He died within a month, from suicide, despised by every one as a traitor. Cruzat, whom he had two years before succeeded, was again appointed lieutenant-governor.

21. Cruzat and Pirates.—Cruzat had succeeded Pier-nas as lieutenant-governor, in 1775. His first term lasted till 1778, and was modeled after that of his wise predecessor. His second term, which began in 1780 and lasted till 1787, was mild and prosperous. A census, taken in 1785, shows a population of about 1,500 for all Missouri, which number was swelled to 2,100 by another census of 1788. This increase was largely due to a freshet in the Mississippi, which overflowed much of Kaskaskia and Cahokia, and caused some of the inhabitants of those towns to cross over into Missouri. To such a height did the angry waters rise that 1785 was long afterwards known as "the year of the great water." While Cruzat was commander, the trade of the Mississippi was much impaired by pirates. Grand Tower is a large column of rock situated about midway between St. Louis and the mouth of the Ohio. Here a large band of pirates collected and would capture and pillage passing boats, appropriate their cargoes, and kill their crews. These depredations went on until 1788, and many a daring robbery and foul murder was committed. Other portions of the river were also infested. That year, however, the governor at New Orleans ordered all boats traveling on the river to go together. By this means their combined strength was too

much for the pirates, and they were dispersed and never afterwards heard of.

22. Shawnees and Delawares.—In 1787, Manuel Perez came into office. During his administration, bands of Shawnees and Delawares, driven by the advancements of the whites from beyond the Alleghanies, settled near Ste. Genevieve and Cape Girardeau. Here they remained for thirty-five years, till 1825, when they were required to move still further westward. They were peaceable and industrious and never quarreled with the whites of these regions. They became useful to them as hunters and small farmers, and were established in small settlements close to the whites as an intervention between them and more unfriendly tribes. In after years one of these Shawnee chiefs is said to have addressed these words to General Harrison: “You call us your children; why do you not make us happy as our fathers, the French, did? They never took from us our lands; indeed, they were in common between us. They planted where they pleased, and cut wood where they pleased. So did we. But now, if a poor Indian attempts to take a little bark from a tree to cover him from the rain, up comes a white man and threatens to shoot him, claiming the tree as his own.” The honorable conduct of the French settlers toward the Indians is a part of Missouri history which admits of just pride.

23. From 1793 to 1804.—In 1793 Trudeau came into office, and in 1799 he was succeeded by Delassus (De-la-su) the last of the Spanish commandants. Aside from the “hard winter” of 1798–1799 and the “small-pox” of 1801, there are but two important facts to consider. They explain the rapid increase of the population which in 1800 arose to about six thousand, and in 1803 to about ten thousand, and also why nearly all of the increase was

English instead of French. (1) By a voluntary grant from Virginia, Congress in 1784 acquired all the soil north of the Ohio river known as the Northwest Territory, and in 1787 passed a law prohibiting slavery therein. Hence many of the settlers in that territory who owned slaves came to Missouri, and many others from the slave States sought homes where the law did not apply. (2) The other cause was the liberal terms upon which the immigrant could obtain soil west of the Mississippi. In 1796 the English of Canada threatened an invasion of Upper Louisiana. The Spanish authorities conceived themselves under the necessity of strengthening their settlements for defense. They argued that the hostility of the people of the United States toward England would prove a sufficient guaranty of their fidelity to Spain. Hence lands were freely offered to all such settlers as would pay the office fees and expenses of surveying. By these terms one could get eight hundred acres of land of his own choosing, for about fifty dollars, almost entirely free from subsequent taxes. In making these grants no favoritism was shown Catholics as against Protestants, and the king gave orders that the people were not to be disturbed in the exercise of their religion.

24. General Conditions.—Such in brief is the history of Spanish rule in Missouri. It was, for the most part, brave, manly and wise. The people were far away from the civilization of the world, in the very heart of a continent inhabited by savages, with only a few settlements by white persons within a thousand miles of them. They were free from taxation, free from the tyranny and interference of a foreign king, and untrammled by a bigoted priesthood. Yet the amicable terms they maintained with the Indians, and the orderly government they held over themselves without laws or juries, and almost without officers of any kind, enlist at

once our admiration and hold our serious thought. So that we do not wonder that, when the country was transferred to the United States in 1804, "few of the French and part of the English-Americans only were reconciled to the change, though they never manifested any discontent."

25. Population.—Another census, taken in 1800, gives the population of St. Louis at 925; of St. Charles, at 875; of Ste. Genevieve, at 949; of New Madrid, at 782, and the entire population of Missouri at 6,028. Of this number 4,948 were whites, 197 free colored, and 883 slaves. Nearly four years later when the territory was transferred to the United States, it had increased to 9,020 whites and 1,320 colored, most of the latter being slaves.

Questions on Chapter III.

1. Who was the first lieutenant-governor? (15)
2. What is said of his administration? (15)
3. What is said of the people? (15)
4. Describe the soil and the settler? (16)
5. How was the land owned? (17)
6. Describe the settlements? (17)
7. Describe the houses? (17)
8. What was the size of each settler's field? (17)
9. And what was the common? (17)
10. What is said of the social condition of the people? (18)
11. How did they settle disputes? (19)
12. What caused the attack on St. Louis? (20)
13. Describe it? (20)
14. Who was the second lieutenant-governor? (21)
15. Who was commandant before him? (20)
16. Who was the third lieutenant-governor, and the fourth, and the term of each? (21)
17. What is said about pirates on the Mississippi? (21)
18. What is said of the Indians? (22)
19. What were the two principal events of the last twelve years of Spanish rule? (23)
20. Who were the commandants during this time? (23)

21. What is said of the Spanish rule? (24)
 22. What was the entire population in 1804? (25)

Topical Outline of Chapter III.

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| SPANISH RULE. | { | 1. Piernas. | |
| | | 2. Dealings with Indians. | |
| | | 3. Character of Soil. | |
| | | 4. Settler's House. | |
| | | 5. His Field and Lands. | |
| | | 6. His Social Habits. | |
| | | 7. Settlement of Disputes. | |
| | | 8. British and Indian Attack. | |
| | | 9. Mississippi Pirates. | |
| | | 10. Shawnees and Delawares. | |
| | | 11. Immigration to Missouri. | { |
| | | 2. Cheap Lands. | |

PART II.

TERRITORIAL PERIOD.

CHAPTER I.

THE LOUISIANA PURCHASE.

26. **The Situation.**—By the treaty of 1763 Spain acquired all the country west of the Mississippi and the island on which New Orleans is situated. Events which startled the world had been taking place in Europe toward the close of this century. Napoleon Bonaparte was in the full flush of military triumph, and had raised France to great political supremacy on land. He wished also to advance her to a high position at sea and in commerce. In furtherance of this plan he determined to have Louisiana. He asked the king of Spain to cede all that territory to France, and in return offered to establish the king's son-in-law upon the throne of the new kingdom of Etruria, which he was about to set up. The transfer was made on October 1, 1800, and thus the title to a territory much larger than all the thirteen original colonies was acquired by a stroke of the pen. But the negotiation was kept secret. Napoleon feared if England knew it at once she might make it impossible for him ever to possess the country. But, nevertheless, the title to Missouri was now in France again. We must see how it came to belong to the United States.

27. **The Purchase.**—It was not many months till it became known in America that the cession had been made.

The announcement created great unrest throughout the country, especially in the Ohio valley, which at this time was inhabited by over a half million people from the Atlantic States. For some years before the transfer to France, Spain had claimed the sole right of the navigation of the Mississippi, which was the only way the people of the Ohio country had of reaching the world's markets. This claim on the part of Spain greatly disturbed their trade and aroused the people to indignation and resentment, and led them to declare they would take up arms to hold the Mississippi. The people beyond the Alleghanies gave little heed to these Ohio troubles till Louisiana was transferred to France. Then a protest arose from the whole nation. A weak nation like Spain was not to be feared, but a powerful one like France, in full control of the Mississippi river and with a strong garrison at New Orleans, could greatly impair the power and greatness of the United States. President Jefferson, therefore, instructed Mr. Livingston, the Minister to France, to protest in the name of his nation against any attempt by France to occupy Louisiana. But about this time England was drawn into the war against Napoleon. She was mistress of the sea and could easily thwart Napoleon's plans of possessing himself of Louisiana. She, too, objected to France having that great country, and determined to oppose Napoleon in any attempt to possess himself of it. From these reasons and because of the demand for all his forces for his military operations on land, Napoleon saw the coveted prize had gone from him forever. Besides he was in need of money. But he was determined to put it out of the reach of England, and hoping to conciliate the United States toward him he proposed to Mr. Livingston to sell Louisiana. President Jefferson sent Mr. Monroe, afterward President himself, to France to assist in the purchase of New Orleans and West Florida, but on his arrival he found Napoleon

willing to sell all of Louisiana. Monroe and Livingston, therefore, undertook to purchase the whole. Napoleon had instructed his officer not to take less than fifty million francs, but he at first asked one hundred million. The American ministers offered eighty million, and the trade was soon closed. Of this sum, which amounted to \$15,000,000, one fourth was remitted because of the damage which had been done to the trade of the Ohio country after Louisiana had been transferred from Spain to France.

28. Terms of the Contract.—The contract of purchase was signed on May 3, 1803, and on October 17 the treaty was ratified in the United States Senate by a vote of twenty-four to seven; and, on the twenty-first, Congress, by a large majority of each house, at once provided for the bonds with which to pay for the purchase. By Article III of the contract, written by the great Napoleon himself, it was stipulated that “the inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.” These words are important, because they entered largely into the controversy which grew out of Missouri’s application for admission into the Union. The purchase having been made and indorsed by Congress, it only remained for the United States to take formal possession of the territory. This was easily done. On the ninth of March, 1804, the American troops crossed the river and entered St. Louis, and Delassus, on the part of Spain, delivered Upper Louisiana to Captain Amos Stoddard, of the United States Army, who had been commissioned by France

to receive it in her behalf, and on the next day he transferred it to the United States. The territory thus acquired amounted to 900,000 square miles, almost one third of the entire area of the United States at present, and included all the country west of the Mississippi to the Rocky mountains except Texas and a part of Colorado and Kansas. A recent Government map, "compiled from official surveys," makes it also include Idaho, Oregon and Washington.

Questions on Chapter I.

1. What territory had Spain acquired by the Fontainbleau treaty? (26)
2. What military chieftain was in full triumph at close of eighteenth century? (26)
3. What did he desire to do with Louisiana? (26)
4. How did he obtain it? (26)
5. What effect did the cession to France produce in America? (27)
6. Why? (27)
7. Who was President at this time? (27)
8. Why was Napoleon compelled to sell Louisiana? (27)
9. What Americans made the purchase? (27)
10. What was the price paid? (27)
11. What was the date of the contract? (28)
12. What body ratified it? (28)
13. How was the land paid for? (28)
14. What is Article III? (28)
15. Who wrote it? (28)
16. Why is this article important? (28)
17. Who took formal possession on behalf of the Union? (28)
18. What did the purchase include? (28)

Topical Outline of Chapter I.

THE
LOUISIANA
PURCHASE.

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| { | <ol style="list-style-type: none"> 1. Fontainbleau Treaty. 2. Napoleon. 3. Transfer to France. 4. Effect in America. 5. Reasons for Selling. 6. Price. 7. Article III. 8. Extent of Territory. |
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CHAPTER II.

MISSOURI'S FIRST YEARS AS A TERRITORY.

29. **The New Arrangement.**—Louisiana was divided into two parts soon after its transfer to the United States. All of it now within the State of Louisiana was then called the Territory of Orleans; to the rest was given the name of the District of Louisiana at first, but within a year it was changed to the Territory of Louisiana. It of course embraced the country now called Missouri. For the purposes of government the district was attached to the then Territory of Indiana, whose governor at that time was General William Henry Harrison, afterwards President for a short time. He first set in operation the powers of the United States over the new territory. The people objected to being attached to Indiana, and drew up a remonstrance and petition to Congress in which they asked to be organized as a territory of the second class. Fifteen men, “elected by the free men of the district,” were chosen to prepare the paper, and of this number eight were of French extraction, which fact indicates of what races were the settlers of Missouri at that time, and also how readily the Frenchman adopted the political methods of his neighbors of English blood, with whom almost alone it was a rule to ask for a redress of grievances by petition.

30. **Neglect of Congress.**—Their petition was in part granted. Congress recognized three grades of territories at that time. The district was separated from Indiana and erected into a Territory of the first or lowest grade, instead of the second, for which they had asked. The Governor and three judges, to be appointed by the President, were to make

laws for the government and regulation of the Territory, subject all the time of course to the approval of Congress. This was agreeable to the people. But nothing was done toward a settlement of the disputed titles to their lands. These were in great confusion because of the loose way in which the Spanish had always made surveys and grants of land, and because much soil had been granted to settlers by the Spanish rulers after the territory had been ceded to France in 1800 and before it had been transferred to the United States in 1804. Nothing was done towards remedying the uncertainty of the land-claimants' tenures, and as a result immigration was greatly retarded, and the people undertook to defend their titles for themselves. There were courts for them to apply to, but not sufficient laws to enable the courts to give relief. The delay of Congress in passing the needed legislation begot impatience and disorder among the people. In some cases the adverse claimants to the soil, with gun in hand, determined between themselves who should be its owner. But in 1812, after a delay of nearly eight years, Congress passed a law confirming the titles of the inhabitants of the different villages to the lands which they had occupied prior to the Louisiana purchase. This gave the desired relief. The tide of immigration now set in strongly again and the price of land increased, in some instances six hundred per cent in a few years. It must be remembered, however, that these disorders in regard to the land titles were almost entirely confined to those parts of the territory which had been settled during the Spanish domination and which now were fast losing their French aspect because of the rapid influx of persons of English blood.

31. **First Territorial Governor.**—The first Governor appointed under the new order of things was General James Wilkinson. With him were associated as chief

justice, J. B. C. Lucas, a very worthy gentleman, who had been a judge in Pennsylvania; and as secretary, Dr. Joseph Browne, who was a brother-in-law of Aaron Burr, by whose request he obtained the appointment. Just at the time of Wilkinson's appointment the dissatisfaction above spoken of in regard to land titles was beginning. His previous life and general qualifications, it was thought, would check all this, and bring the United States government into popular favor with the inhabitants whose traditions, customs and blood were so very different from those of the rest of the Union. But this proved to be a sad mistake. To properly understand these assertions it will be necessary to speak of the unusual course of Aaron Burr and Wilkinson's connection therewith.

32. Burr and Wilkinson.—Burr had, in 1801, been elected Vice-President, and prevented from being President only by a very narrow majority vote of the House of Representatives. Becoming unpopular as a politician, sour at his disappointment, but still ambitious for political renown, towards the close of his term he came to the West with the object of revolutionizing Mexico, making himself its ruler, and ultimately attaching all the country west of the Alleghanies to his dominions. He expected his chief support from the Territory of Louisiana. There is no reason to believe that Wilkinson was not influenced by him and perhaps half-heartedly and secretly joined in his plans. Burr visited the Territory in September, 1805, and in 1807 he was put on trial for conspiring to break up the Union, and the next year Wilkinson was tried as an accessory to his crime. The latter was the principal witness against Burr, and in the course of the trial was able to show that he had written to the proper authorities at Washington more than a year before the final collapse of Burr's plans, that "Burr

was about something, and an eye ought to be kept on him." This letter perhaps prevented Wilkinson's conviction, but it will be seen that it was written a year after Burr had first visited him. In fact the evidence seems strong that Wilkinson at first secretly supported Burr, but within a year, from fear of the results or from some other equally good cause, concluded it best not to yoke his fortunes with Burr's any longer. Wilkinson, besides his compromising relations with Burr, was a speculator in land and his conduct was otherwise odious to the people. Hence he was removed after acting as Governor about two years and was succeeded by Captain Meriwether Lewis, of the celebrated Lewis-and-Clark Expedition. Wilkinson afterwards became prominent in the war of 1812.

33. English Immigrants.—In the meantime the people prospered. The population, at first confined almost entirely to the villages, had begun to extend itself into the surrounding forests and prairies. Settlers had found their way into Warren county, as far west as the present western boundary of St. Charles county, into Franklin county and along the Gasconade. Most of the immigrants at this time were from the Atlantic States. Their industry, superior knowledge and enterprise soon gave them a controlling influence. They occupied the most prominent positions and took the lead in society and business. No more immigrants came from France and Spain. Lands began to have a recognized value and soon speculations in them were active. The pursuits of the people began to be largely agricultural. In 1808 the first newspaper was established. It was the first paper published west of the Mississippi river. It was called the "Missouri Gazette," and with varying success has been continuously published since. Its present name is the "St. Louis Republic."

Questions on Chapter II.

1. How was Louisiana divided? (29)
2. What was that part including Missouri called? (29)
3. To what was it attached? (29)
4. How did Congress provide for the government of the Territory? (30)
5. What was the effect of Congress' neglect? (30)
6. Who was first Territorial Governor? (31)
7. What is said of him? (31)
8. Describe Burr's and Wilkinson's conspiracies? (32)
9. Who the next Territorial Governor? (32)
10. What is said of new immigrants? (33)
11. Where did they settle? (33)

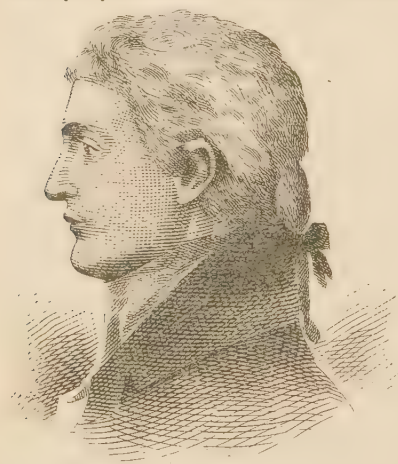
Topical Outline of Chapter II.

FIRST YEARS AS A TERRITORY.	{	1. Territory of Louisiana.
		2. Attached to Indiana.
		3. Territory of Lowest Grade.
		4. Confusion of Titles.
		5. Wilkinson.
		6. Aaron Burr.
		7. English Settlements.

CHAPTER III.

EXPLORING EXPEDITIONS.

34. The Famous Expedition of Lewis and Clark was projected by President Jefferson soon after the purchase



MERIWETHER LEWIS.

of Louisiana, and was placed in charge of Captain Lewis, the President's private secretary, and Captain William Clark, of the United States Army. Each of these gentlemen afterwards became Territorial Governor of Missouri by appointment. The company was composed of nine young men from Kentucky, fourteen soldiers, two Canadian boatmen and a few serv-

ants. They began the ascent of the Missouri river in May, 1804, and passed up it to its head waters, stopping off frequently to explore the surrounding country, collected facts about the character and strength of the various Indian tribes, about the fertility of the soil, and the number and extent of the tributaries of this great river. They spent the first winter just this side of the Rocky Mountains in forts constructed by themselves. Early next spring they began crossing the mountains and had many a sharp and wild encounter with grizzly bears, mountain lions and other animals. In November, 1805, they reached the ocean, having traveled

over four thousand miles. It was the first expedition of the kind ever undertaken by our government, and the return of the party safe and successful, after an absence of over two years, was hailed with delight throughout the entire West. Congress joined in the general acclaim and voted each of the persons engaged in the expedition a tract of land in recognition of his services; and in further reward for Captain Lewis's services, he was appointed Governor of the territory which he had done so much to make known.

35. Pike's Expedition.—About the same time Zebulon Montgomery Pike made like expeditions to the sources of the Mississippi, Arkansas, Platte and Kansas, and thereby really rendered more service to Missouri than did the expedition of Lewis and Clark. In 1810 the journals of travels kept by Pike were published, with maps and atlases of the country explored, and extensively read. They furnished the first reliable information of the extent and value of the new country. After their appearance all complaints about the amount paid for the Louisiana purchase were hushed. Pike county, in the eastern part of the State, was named for this energetic explorer. It was because of his well-earned celebrity, perhaps, that many people in the Eastern States for a long time knew the name of only one county in Missouri and that was Pike.

Questions on Chapter III.

1. What celebrated expedition is discussed in this chapter? (34)
2. Who were in charge of it? (34)
3. Of what did the party consist? (34)
4. Where did they start and go? (34)
5. What did they encounter? (34)
6. Where did they spend the first winter? (34)
7. When did they reach the ocean? (34)
8. How was their return received? (34)
9. What is said of Zebulon Pike's Expedition? (35)

Topical Outline of Chapter III.

EXPEDITIONS.	{	1. Lewis and Clark's.	{	1. Size of Party.
				2. Route.
				3. Distance Traveled.
				4. Encounters.
				5. Rewards.
	{	2. Pike's.	{	1. Country Explored.
				2. Journal.
				3. Value to Country.
				4. Namesake.

CHAPTER IV.

THE NEW MADRID EARTHQUAKE.

36. **Earthquakes.**—A little after midnight of December 16, 1811, began a series of earthquakes among the most extensive and destructive in the world's history. They extended over half a hemisphere. Sabrina, one of the Azores Islands, was elevated 360 feet above the level of the sea. Caracas, a city of Venezuela of 10,000 people, was totally destroyed and sunk sixty feet under water. In America, the center of the earthquake's disturbances, both in point of violence and in position, was near New Madrid on the Mississippi river, in the southeastern part of Missouri. The disturbances extended north to the mouth of the Ohio river, south to the mouth of the St. Francois, and far into Arkansas and Tennessee. They began in a sudden shock which shook down walls, wrecked houses, tore up trees and set many things on the surface contrariwise. This was followed by undulations of the earth resembling waves, increasing in elevation as they advanced, and when they had attained a fearful height, the earth would then burst and vast volumes of water, sand and pit-coal were thrown up as high as the tops of trees. The earth rocked

and reeled under men's feet. Fissures were formed, six hundred and even seven hundred feet in length, and twenty or thirty in breadth. Large oak trees were split in the center and forty feet up the trunk, and one part left standing on one side of the fissure, and the other part on the other twenty feet distant. There issued no burning flames, but flashes such as result from the explosions of gas. The atmosphere was filled with this thick gas, to which the light imparted a purple hue. The waters in the Mississippi river suddenly rose several feet. In some places trees which had rested on the bottom of the river for perhaps centuries were elevated above the water and yet rested on the soil. Other places off the shore suddenly sunk and the water overflowed them. The water thrown up during the eruption of the "land waves" was lukewarm, so warm as to produce no chilly sensation to persons wading or swimming through it. Many fissures, besides the ones described, were of an oval or circular form, forced up to a considerable height, and others formed large and deep basins one hundred yards in diameter.

37. Remarkable Results.—But the most marked features yet remaining of the extent of these land disturbances were the great depressions and elevations of the surface. Great tracts of country which hitherto had been lakes became dry land, and much dry land became lakes. Reelfoot Lake, on the opposite side of the river in Tennessee, twenty miles long and seven wide, was formed. The trunks of dead oaks and cypresses above thirty feet in height cover its bottom, over which boats can now be plied without interruption. A large extent of country on the Missouri side of the river was sunk ten feet below its former elevation. Much of the soil was ruined for agricultural purposes, some of it for all time.

38. New Madrid Claims.—Afterwards Congress attempted to give relief by passing a law granting to each proprietor who had sustained serious loss a section of land in what was known as the “Boone’s Lick country,” on condition that he relinquish his desolated farm to the Government. Perhaps twice as much land was occupied under this law as was ever destroyed in the New Madrid country. The “locations” were called New Madrid claims, and because of their conflict with other entries, have been the source of endless litigation.

Questions on Chapter IV.

1. What results of the earthquake of 1811 are mentioned? (36)
2. What was its center in America? (36)
3. Describe some of its features. (36)
4. What other remarkable features are mentioned? (37)
5. What are “New Madrid claims?” (38)
6. How much lands were settled under these claims? (38)

Topical Outline of Chapter IV.

NEW MADRID EARTHQUAKE.	{	1. Date.
		2. Sabrina Elevated.
		3. Caracas Destroyed.
		4. In America.
		5. Fissures.
		6. Some Results.
		7. Depressions of Surface.
		8. Reelfoot Lake.
		9. New Madrid Claims.

CHAPTER V.

OTHER SETTLEMENTS.

39. First English Settlements.—There were a number of small and scattered settlements in St. Charles, Gasconade and Warren counties as early as 1800 and the ten years succeeding. But we have now come to the first important settlement by people of English blood within Missouri. It was in Howard county, in the river bottom near Franklin, in 1810. The country had been previously visited by William Nash and some surveyors in 1804, who located claims, and again by Lewis and Clark who explored the country and speak of having encountered many rattlesnakes there. In 1807 Nathan and Daniel Boone, at this time residents in St. Charles county, and sons of the celebrated Daniel Boone, began the manufacture of salt at Boone's Lick in the western part of what is now Howard county. This they shipped down the river in canoes made from logs, hollowed out and made water-proof by daubing the open places with clay. Col. Benjamin Cooper with his large family joined them in 1808, but Governor Lewis informed them that the protection of the Government from the Indians would not be extended them at that distant home, and ordered them to return to the Gasconade settlement. This they did, but in 1810 Cooper, accompanied by about one hundred and fifty families, mostly from Madison county, Kentucky, again came to Howard county, and of this great number all settled in Howard except Stephen and Hannah Cole, who crossed the river and became the first settlers of Cooper county, settling near the present site of Boonville.

40. Daniel Boone was a man whose like this country perhaps will never see again. His father came from

England and settled in Bucks county, Pennsylvania, where Daniel was born, July 14, 1732 (the same year in which George Washington was born), and where he received the rudest education. When he was eighteen his family moved to North Carolina. In 1769 with five hunters he explored the border regions of Kentucky, and was captured by the Indians, but soon made his escape. In a short time he was joined by his brother, and both were captured and a companion was killed. They escaped, his brother returned to North Carolina and he was left alone in the wilderness with only his rifle to gain subsistence and defend himself from the Indians. He continued his explorations, and in 1773 moved to Kentucky with seven other families, and was soon employed to lay out the lands by Virginia, of which Kentucky was then a part, and in commanding the garrisons which had been established for fighting the Indians. His life in Kentucky was spent in hunting, fighting the Indians, being captured by them and escaping. In 1792 he lost all his lands because of defective title and quitted Kentucky in disgust. Hearing of very fertile lands in Missouri, he came here about 1794 and settled forty-five miles northwest of St. Louis, in what is now Warren county. There he obtained a grant of ten thousand acres of land, by reason of an agreement he formed with Delassus to bring one hundred and fifty families into Upper Louisiana from Virginia and Kentucky. But the grant was never confirmed because Boone failed to get the signature thereto of the direct representative of the Spanish crown. Afterward Congress granted him one thousand acres for his gallant public services. He spent most of his latter days with his son, Major Nathan Boone, and died in 1820 in his house, a two-story stone, the first of its kind in Missouri, some six miles from the Missouri river in St. Charles county. His body was buried in a cherry coffin which he had prepared himself and kept ready for years. The Legislature adjourned for one



DANIEL BOONE AND HIS FAITHFUL DOG.

day out of respect for the old hero. The remains of himself and wife were afterward interred with ceremonial pomp at Frankfort, Kentucky, in 1845. His descendants in Missouri are numerous and can be found in various parts of the State.

41. Territorial Officers.—Wilkinson, the first Governor of the Territory of Louisiana, was succeeded in the spring of 1807 by Meriwether Lewis, who, while on his way to Washington, committed suicide in Tennessee in 1809 by shooting himself. President Madison appointed as his successor Gen. Benjamin Howard of Lexington, Kentucky. In 1812 Congress passed a law by which on the twelfth of December of that year Louisiana was to be advanced from the first to the second grade of Territories, and its name changed to Missouri. The last official act of Governor Howard was to issue a proclamation ordering an election to be held in No-

vember for a delegate to Congress and for members of the Territorial Legislature to be organized under this law. He resigned soon after this to become Brigadier-General in the army during the war of 1812, and died in St. Louis in 1814, having filled his position with commendable merit. Howard county, which was settled while he was



CAPTAIN WILLIAM CLARK.

Governor, was named in his honor. He was succeeded by Captain William Clark, of the celebrated expedition of Lewis

and Clark, who served as Governor till Missouri was admitted into the Union. No man ever in the West had more influence over the Indians than did 'Redhead,' the name by which Clark was known. He stood between them and the whites for years, was always their trusted friend and averted many a threatened invasion by them and succeeded in amicably purchasing their lands for the United States or obtaining them by treaty. Edward Hempstead, of St. Louis, was elected the first delegate to Congress in 1812 and was the first delegate to that body from west of the Mississippi river. He was succeeded in 1815 by Rufus Easton, and he in 1817 by John Scott, who served till Missouri became a State. All were honorable and able men. By an act of 1816 Missouri was advanced to the third or highest grade of territorial government.

42. Franklin.—The settlement about Boone's Lick grew rapidly. However, the Indians, especially the Pottawatomies and Foxes, stole the settlers' horses and kept them in almost constant alarm. Five different forts were built for their protection, but nevertheless many of the prominent men were killed, some of them in their own houses. Yet there was no power to avenge their wrongs or to prevent these recurrences except the strength of their own arms, for this part of the Territory at that time was beyond the organized jurisdiction of any government. In 1816 Franklin was laid off opposite the present site of Boonville. It was the first town of any importance west of St. Charles. It grew rapidly and soon came to have considerable population. Indeed, for many years Franklin was the center of society and commerce for all that class of immigrants who came from the older States, and who for the most part settled, not in St. Louis and south of it along the Mississippi, but in what soon became Howard county. Among its inhabitants were men who

afterward became the most prominent Governors and useful Supreme Judges of the State. It was for many years a Government land office, with Thos. A. Smith as Receiver and Charles Carroll as Register. It had the first newspaper published west of St. Louis, which still lives in the *Columbia Statesman*. The old town has long since been mostly washed away by the encroachings of the Missouri river.

43. Howard County.—Howard county was organized in 1816. It at first included all that territory from which have since been carved thirty-one counties, twelve south of the Missouri river and nineteen north of it. For this reason it is yet known as the "mother of counties." Its seat of justice was first Cole's Fort, on the south side of the river in Cooper county; in 1817, it was removed to Franklin and in 1823 to Fayette. It was long the center of political influence in the State, and before the war "Howard county, the mother of Missouri Democracy," was frequently heard. Around Franklin as a center, population rapidly increased, and in a few years it had spread out into what afterward became Boone, Callaway, Cooper, and Chariton counties. All central Missouri was being rapidly transformed from a wilderness into happy homes.

44. Tide of Immigration.—The War of 1812 ended in 1815. At its close immigration to Missouri set in more rapidly than perhaps was ever elsewhere known in the United States up to that time. The rush was greatest from Virginia, Kentucky, North Carolina and Tennessee. As many as one hundred persons are said to have "passed through St. Charles in one day on their way to Boone's Lick, and this rate was kept up for many days together." Many of these "movers" brought with them a hundred head of cattle, besides hogs, horses and sheep and from three to twelve slaves. These long trains presented a sight which

will never be seen in this country again. It was long before the day of railroads and just before the time of steamboats. There was the huge wagon filled with the family's "plunder," drawn by three or four yoke of oxen. Next came the herds of cattle and sheep, each with many bells, making a beautiful chime, and as this mingled with the dull thud of the wagon, the coarse voice of the herder and driver, a peculiar impression was made which only those can appreciate who have heard it. At night the family would camp around the fire, the cattle would lie down and ruminate, the "movers" would recount the thrilling incidents of the day, the slaves joining in, and, whenever an opportunity offered, telling strangers of the "quality" of their families.

45. **Pioneer Life.**—When the immigrant arrived at his journey's end his first business was to look him out a farm. Though land speculators had done much to confuse titles to the soil, yet land was abundant, and with no great toil each man could "open him up a farm." A log cabin was easily raised, and the land fenced with what was known as a "Virginia rail fence." Until his first crop was raised, he could easily obtain a subsistence for himself and family by hunting and trapping. At that time the forests, and even prairies, which were covered with a high luxuriant grass, abounded in deer, bears, wolves, panthers, wild cats, wild turkeys, and various small game. The flesh of some of these, such as the deer and bear, furnished him food, and their skins were made into serviceable clothes. While his lot was romantic yet it required stern hardihood to endure it. The Indians were about him and were not always friendly. The fiercer wild animals attacked his young cattle, and often carried away his lambs and pigs. He had but few books and papers, schools were rare, and only occasionally did he hear the Gospel preached, but his hardships inspired him with

self-confidence and a purpose of character, which yet mark his descendants.

46. His House.—His log cabin differed somewhat from the houses of the French settlers. The posts were not set upright and slats nailed horizontally to them, as was the fashion with the French settler, but instead, he generally used large logs, hewn into shape, and fitted into one another by means of notches in the ends. These were laid one on another, and the spaces between were filled with pieces of wood called “chinking” and around these was daubed a plaster made of clay. The door was made of heavy cross-pieces and rough-hewn boards. They were hung on wooden hinges and fastened on the inside with a wooden latch. The latch could be raised from the outside by a string attached to it which passed through a hole in the door above the latch. To lock the door was simply to draw the string inside, and so “my latch-string always hangs on the outside” became a popular term of hospitality and an assurance of welcome to the neighbor or passing stranger. The windows were without glass. The light was admitted by a shutter which stood ajar, or through greased paper attached to a frame-work something like a sash. Sometimes the cabin was thirty feet square, and if two rooms were built a wide hall ran between, and the larger room was called the “big house.” As the farmer grew wealthier, population increased and the means of transportation improved, all these things gave way to the conveniences of modern life.

47. His Money.—He had little money, and indeed had need for but little. He raised his own food. The materials for his clothing were grown in his fields or sheared from his flocks and were converted into cloth and made into garments by the women of the household. What trading he did was mere barter; that is, the exchange of one article for another. Peltries, lead and its product in the shape of shot,

were used in the place of money. There were Spanish dollars, however, and these were often cut into halves, quarters, and even eighths, which, because of their small size, came to be called "bits." For any less amount pins, needles, sheets of writing paper, and other articles of small value were used.

48. **Lead and The Fur Trade.**—But agriculture was not the only pursuit. Lead was produced in great abundance. "One million, five hundred thousand pounds were annually turned out by the Maramec mines alone, which gave employment to three hundred and fifty hands, exclusive of smelters, blacksmiths and others." Much of it was turned into shot and a tower for that purpose was erected at Ste. Genevieve. The fur trade was very large. As early as 1804 it amounted to two hundred thousand dollars per annum. Large trading companies, with headquarters in St. Louis, were organized, which sent out trappers along almost every tributary of the Missouri to the Rocky mountains.

49. **The First Steamboats.**—In 1811, the *New Orleans*, the first steamboat built west of the Alleghany mountains, made the trip from Pittsburg to New Orleans. This settled forever the question of the use of steam as a motive power on the western waters. In the next eight years sixty-three steamers were built and plied on the Ohio and Mississippi. On the second of August, 1817, the first steamboat that ever ascended the Mississippi above the mouth of the Ohio arrived at St. Louis. Its name was *General Pike* and its master was Jacob Read. On May 28, 1819, the *Independence*, the first steamboat to ascend the Missouri, arrived at Franklin, having been twelve days on the journey from St. Louis. Soon after this steamboats became common on these rivers, and their appearance, which was at first dazzling, became familiar sights. They added a new impetus to commerce and assisted much in the speedy delivery of

the mails. Yet these conveniences could scarcely be compared to our modern railroads. It usually took a letter from four to six weeks to come from New York or Washington, and the postage on a single letter, even many years afterward, was twenty-five cents.

50. Business Depressions.—The last few years before Missouri's admission into the Union was a season of severe trial in finances. The year 1818 found nearly everybody in debt. The Bank of St. Louis was established in 1816, and the next year the Bank of Missouri, with a capital of \$250,000, was organized. These for a time increased the volume of business, but also aided the spirit of speculation in land and accelerated other ventures. Government land was sold for two dollars an acre, one fourth to be paid in cash and the rest in two, three and four years. So numerous were the failures on account of the mania for speculation in land, that rarely none but the first payment was made. Dealing at the stores was also upon credit. Payments were made with promissory notes or bank notes, which were considered as good as cash. These of course drove out the coin; and when the day of final settlement came there was no money with which to make payments. Land and all kinds of farm products, though abundant, were unsalable. The Territorial Legislature tried to give relief by issuing certificates which were made receivable for taxes and debts of every kind due the State. The courts set this act aside, and for doing so were of course wickedly censured, but relief came in time, though slowly, as is usual after such depressions.

51. Population.—The population of the entire territory now known as Missouri was about 20,000 in 1810. In 1820 it was 66,000. The population of St. Louis in 1811 was about 1,400, "composed of a motley mixture of Canadian-French, a few Spaniards and other Europeans, and a somewhat larger proportion of Americans." In 1820 it was

4,928. Of the population of this territory in 1820 about 10,000 were slaves. The number of counties increased from five to fifteen in the ten years preceding 1820.

Questions on Chapter V.

1. Where was the first important English settlement? (39)
2. Who was in charge of it? (39)
3. Where were the settlers from? (39)
4. What is said of Daniel Boone? (40)
5. What is said of Meriwether Lewis? (41)
6. Of General Howard? (41)
7. Who succeeded him? (41)
8. What is said of Clark? (41)
9. Who was the first delegate in Congress? (41)
10. Name two others. (41)
11. What is said of Franklin? (42)
12. What is said of Howard county? (43)
13. For whom was it named? (41)
14. What is said of the immigrant? (44)
15. Describe his surroundings in the new country. (45)
16. Describe his house. (46)
17. What was used for money? (47)
18. What is said of lead? (48)
19. Of the fur trade? (48)
20. What was the first steamboat on the Ohio? (49)
21. What was the first on the Mississippi? (49)
22. How long did it take the first steamboat to go from St. Louis to Franklin? (49)
23. How did steamboats help? (49)
24. What is said of financial troubles? (50)
25. Population in 1810 and 1820? (51)

Topical Outline of Chapter V.

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| OTHER
SETTLEMENTS. | { | <ol style="list-style-type: none"> 1. Important English Settlement. 2. Daniel Boone. 3. Territorial Governors. 4. Delegates in Congress. 5. Benjamin Howard. 6. William Clark. 7. Franklin. 8. Howard County. 9. Immigration. 10. Settler's Surroundings. 11. His House. 12. His Money. 13. Pursuits. 14. Steamboats. 15. Depressions. 16. Population. |
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PART III.

MISSOURI AS A STATE.

CHAPTER I.

THE ADMISSION OF MISSOURI INTO THE UNION.

52. Application to Become a State.—The Territorial Legislature made application for the admission of Missouri into the Union as a State in 1818. The application produced a violent sectional issue in American politics. It opened up a long acrimonious struggle between the North and South for political supremacy in the nation. That struggle, attended with bitterness from its beginning, continued up to the time of the Civil War, through that war, and has scarcely ended even yet. The people of Missouri wished to decide for themselves whether slavery should exist in the State. To this the North urged two strong objections.

53. First Objection.—The first was, the people were sure to permit slavery. It existed in the Territory at the time of the application; had been there for fifty years, and nothing was surer than that the people would not voluntarily abolish it. Since 1789 slavery had not existed north of the Ohio river, above the latitude of which lies most of Missouri. The admission of Missouri would be a precedent. If the privilege were given to her people to decide upon the existence of slavery within her borders, so must it be extended to the whole Louisiana purchase. Missouri was on the border line between free and slave labor. The question,

then, was whether Congress would interfere with the further extension of slavery. If permitted to exist in Missouri, without some limitations now agreed upon, it might, by the voice of the people, exist in all the Louisiana purchase. Against its further extension many citizens throughout the North protested in the name of freedom, humanity and a higher civilization.

54. The Second Objection.—The second objection was, the admission of Missouri would turn over the control of the nation from the North to the South. It was also the real objection, the one which did most in controlling the northern members in Congress. The Union had been originally formed of seven free and six slave States. Up to February, 1819, there had always been one more free than slave States, there being at this time ten of the former and nine of the latter. The free States had acquired a large and constantly increasing predominance in Congress. This was the political situation early in 1819 when the application of Missouri and Alabama to become States came up in Congress. Both were slave Territories, both had been settled by emigrants mostly from slave States, and of course it was assumed that their political affiliations would be with the South. If admitted, the number of slave States would be increased from nine to eleven, while the free States would remain ten. This would give the South the ascendancy in Congress.

55. Alabama.—Georgia had ceded Alabama's territory, and in doing so had made stipulations in regard to slavery, which were regarded by Congress as deciding that slavery as a form of labor might exist in that State. Accordingly Alabama was admitted without opposition as a slave State. This made the number of Northern and Southern States exactly the same. The fight for political supremacy,

therefore, was not made over Alabama but Missouri, which lay much further north, and was supposed to be connectional ground between the free labor and the slavery States, and might, therefore, be claimed by either. The South espoused the cause of the people of Missouri because it wished to gain political ascendancy in Congress and because it was intimately interested in the extension of slavery.

56. The Tallmadge Resolution.—The struggle for the admission of Missouri was precipitated in Congress by a resolution of Mr. Tallmadge of New York: "That the further introduction of slavery shall be prohibited; and that all children born within the State after the admission thereof shall be free at the age of twenty-five years." This led to a long discussion in which hot and bitter words were bandied to and fro with frequency. It will be remembered that when the contract of purchase was signed, transferring Louisiana from France to the United States, article third, written by the great Napoleon, provided that "the inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess." This contract with this article in it, was accepted in 1804 by Congress. It was now seized upon by the opponents of the Tallmadge resolution as having settled the question of slavery in Missouri before her application for admission. Slaves, it was contended, were property. Slavery existed in the Territory when the terms of purchase from Napoleon were signed, when those terms were accepted by Congress, and had been here ever since. If, therefore, slavery was to

be prohibited there it should be left to the State itself to do so. Besides it was further contended that these terms of purchase were exactly similar in their tenor to the stipulations Georgia had made when ceding Alabama, which stipulations obtained for that State the right to abolish or maintain slavery as she pleased.

57. Discordant Views.—To deny Missouri the same right was, therefore, to take from her her dignity as one of a Union of equal States, to make her yield to conditions which had never before been imposed on any State, and which would not now be attempted in her case if the free still outnumbered the slave States. This point was urged with great ability by John Scott, Missouri's delegate then in Congress, who felt that to deprive the people of the right of choosing their own local institutions was a humiliating condition, and violated the old maxim that "all just governments derive their powers from the consent of the governed." In reply to him it was held that slavery existed only by virtue of a local law; that it had never been sanctioned by national laws, and that on the contrary the Constitution had from the first implied an opposition to it, in that it contained an agreement that the slave trade should cease in 1808. The supporters of the Tallmadge resolution further held that slavery was not only a moral wrong, a political evil, a commercial weakness, but it was contrary to universal freedom which must necessarily inhere in a republic. These views were so discordant that one would scarcely suppose a compromise for Missouri's admission could ever be reached. Yet such was the fact.

58. The Missouri Compromise.—This was accomplished by the application of Maine for admission in December, 1820, and while Missouri's case yet seemed hopeless. Maine would, of course, be a free State. Had she applied

for admission at the same time Alabama and Missouri did, perhaps all the contention of which we have spoken would never have arisen. Then, admitting the three at once, the free would not have been outnumbered by the slave States. As it was, those in favor of letting Missouri settle the question of slavery for herself, declared both Missouri and Maine should be admitted without regard to slavery or both kept out. This brought on a dead-lock in Congress, which lasted for weeks and finally ended in a measure known as the "Missouri Compromise." This was an agreement that Maine should be brought into the Union; that Missouri should settle for herself the question of the existence of slavery within her territory; and that slavery should forever be prohibited from all other territory "north of thirty-six degrees and thirty minutes north latitude" which was the south line of Missouri. The agreement was implied, though not expressed, that Missouri should be admitted into the Union according to this agreement. This compromise opened up the way for Missouri's admission. In 1857, long after that was accomplished, the Supreme Court of the United States declared this compromise, by which slavery was excluded north of thirty-six degrees and thirty minutes, unconstitutional, and that, therefore, the South had no right to yield to it and the North no right to ask it.

59. The First Constitution.—But the people of Missouri accepted the compromise as final, and began at once to form a State government. A convention to frame a constitution met in a hotel, known as the "Mansion House," in St. Louis, early in June, 1820. David Barton was elected president. Among its members were some very able men. Some of them were afterwards very prominent in the affairs of the State, such as David Barton, Edward Bates, Alexander McNair, Thomas F. Riddick, John Rice Jones,

Duff Green, Pierre Chouteau, Jr., Benjamin Reeves, A. Buckner, John D. Cook and John Scott. There were in all forty-one members. They were in session a little over a month, and spent for stationery \$26.25 and framed a constitution which in some respects was superior to any Missouri has since had. It withstood all attempts to supplant it by another until 1865 when the war-time emergency articles, called the "Drake Constitution," replaced it. It took effect immediately without submission to a vote of the people. This constitution was to pass through the fiery ordeal of being approved by Congress before Missouri could become a State. As had been supposed all along, the Constitution permitted the existence of slavery. It was reasonably and properly supposed by the people of Missouri and by the South that the Northern delegates had consented to this by the agreement known as the Missouri Compromise. But now when the State claimed a fulfillment of this promise Congress would not stand to the agreement, and hence a second compromise had to be agreed upon.

60. **One Clause of Missouri's Constitution** stipulated its Legislature should enact a law to "prevent free negroes and mulattoes from coming to and settling in the State." This clause, it was now contended, was contrary to a provision of the Federal Constitution which guaranteed to "the citizens of each State the privileges and immunities of citizens in the several States." The members of Congress from the North held that free negroes were recognized as citizens in some of the old States and hence this clause in Missouri's Constitution was in conflict with the Federal Constitution. It will be remembered that it is made the duty, by that same Constitution, of the Supreme Court of the United States to determine what State laws are in conflict with it, and when any law is found to be so it is void from the time of its enactment. Why Congress should desire to assume the functions

of this high judiciary is not explicable except on political grounds.

61. An Unreasonable Contention.—The claim led to an absurdity. If one State could declare a certain class of men “citizens” and then the Constitution should come in and say all the other States should therefore acknowledge them as citizens, too, and should extend to these citizens all the privileges and immunities of citizens of each of these respective States, of course there would be no limit to citizenship. “Free negroes” would not alone be citizens. One State might declare a Chinaman or an Indian a citizen, and by this claim all the other States must acknowledge him a citizen, and must have nothing in their laws which would not allow him “all the privileges and immunities” of any of their own residents. This, of course, led to an absurdity. The object of the clause in the Missouri Constitution was to keep an undesirable class of persons from settling within her borders. Illinois had exactly the same law as late as 1846, and Congress at no time attempted to interfere with it. This clause, however, was the subject for long and bitter discussion in the House. The Senate saw the absurdity and dishonesty of such opposition and soon became in favor of admission.

62. The Clay Compromise.—It was at this time that the great Henry Clay, of Kentucky, came to the rescue. He has been called the author of the Missouri Compromise. This is a mistake. Mr. Thomas, of Illinois, was the author of that measure, yet Mr. Clay gave it his powerful support. But he was the author of the second compromise. He induced the House to agree to leave the provision for the admission of the State to a committee of twenty-three members from the House—the then number of States—to act jointly with a committee from the Senate. This committee

reported to the House a resolution admitting Missouri whenever her Legislature should pass a Solemn Public Act repealing the clause in reference to the exclusion of free negroes and mulattoes, and when this was done the President should proclaim her admitted. This resolution passed the Senate by a vote of twenty-eight to fourteen, and the House by a vote of eighty-six to eighty-two.

63. The Solemn Public Act.—Then the Governor of Missouri called the Legislature together to pass the Solemn Public Act. It first spoke of the absurdity of Congress in demanding it, declared if any clause in the State Constitution was in conflict with the Federal Constitution, that clause was therefore void and had always been; but “to give to the world the most unequivocal proof of her desire to promote the peace and harmony of the Union,” it there “solemnly and publicly declared and enacted” that no part “of the Constitution of this State shall ever be construed to authorize the passage of any law by which any citizen of either of the United States shall be excluded from the enjoyment of any of the privileges and immunities to which such citizens are entitled under the Constitution of the United States.” A certified copy of this Act was sent to President Monroe. He promptly issued a proclamation declaring the admission of the State complete. The precise date thereof was August 10, 1821. Thus ended for a time a struggle which had not up to that time had a parallel in the admission of any other State.

Questions on Chapter I.

1. What was the effect of Missouri's application to become a State? (52)
2. What right did the people of Missouri claim for themselves? (52)
3. What was the first objection to this? (53)
4. What argument was used to support it? (53)

5. In the name of what did the North protest against the further extension of slavery? (53)
6. What was the second objection to Missouri's admission? (54)
7. What was the relative political strength of the North and South at that time? (55)
8. What is said of Alabama? (55)
9. Why was the opposition waged around Missouri? (55)
10. What was the Tallmadge resolution? (56)
11. What was the third article of the contract of the Louisiana purchase? (56)
12. How was it argued that this article settled the question? (56)
13. What did John Scott contend? (57)
14. What two replies were made to him? (57)
15. What prepared the way for a settlement? (58)
16. What were the terms of the Missouri Compromise? (58)
17. How did the people of Missouri accept the Compromise? (59)
18. When was the first Constitution framed? (59)
19. Name some of the members of the convention. (59)
20. How long did the Constitution remain in force? (59)
21. What objection was urged to the Constitution? (60)
22. What did this contention lead to? (61) Why? (61)
23. How did the Senate regard it? (61)
24. What was the second compromise? (62)
25. What was the Solemn Public Act? (63)
26. By what body was it enacted? (63)
27. When was Missouri admitted to the Union? (63)

Topical Outline of Chapter I.

MISSOURI'S ADMISSION TO THE UNION.	{	1. Application to Become a State.	
		2. First Objection.	
		3. Second Objection.	
		4. Alabama.	
		5. Tallmadge Resolution.	1. Answer One.
			2. Answer Two.
			3. Scott's Answer.
		6. Supporters' Argument.	1. Slavery a Local Institution.
			2. A Moral Wrong.
			3. Against Universal Freedom.
		7. The Missouri Compromise.	
		8. The Constitution.	
		9. The Solemn Public Act.	
		10. Missouri's Admission.	

CHAPTER II.

FIRST YEARS AS A STATE.

64. The First Election.—The first election, under the new Constitution, was held on the fourth Monday of August, 1820. Political parties did not divide the voters. On the contrary, the personal popularity and merits of the several candidates determined the result, for the most part. Alexander McNair and William Clark, both of St. Louis, were the candidates for Governor. The latter had been the Territorial Governor for eight years. He was now defeated by a majority of 4,020 votes in a total vote of 9,132. William H. Ashley of St. Louis was elected Lieutenant-Governor. The State Government in all its branches did not immediately go into effect. It was far into the year 1821 before either the Circuit or Supreme courts were in operation.

65. First Governor.—Alexander McNair was born in Pennsylvania in 1774, and received a fair English education. His parents died about the time he became of age, and he and his brother agreed upon the division of their estate in a novel manner—that who so ever should be victor in a fair encounter should be the owner of the homestead. Alexander received a severe whipping at the hands of his brother, to which he afterwards acknowledged he owed the honor of being



ALEXANDER McNAIR.

Governor of Missouri. In 1804, he moved to St. Louis, and for a number of years was United States commissary for that station. In the city tax-list of 1811, he appears as taxed for one of the nineteen "carriages for pleasure" then held in that city. During the War of 1812, he was colonel of Missouri militia in the United States service. He was elected Governor in 1820, and held office till 1824, and died in St. Louis in 1826. He was a man of great popularity and strict integrity.

66. New Counties and David Barton.—The General Assembly, which is the name given the Legislative branch of the State Government, was composed at its first session of fourteen Senators and forty-three Representatives. At that session, which met in St. Louis in September, 1820, acts were passed creating the counties of Boone, Callaway, Chariton, Cole, Gasconade, Lafayette, Perry, Ralls, Ray and Saline. Most of these were carved from the territory first embraced in Howard county. David Barton and Thomas Hart Benton were elected United States Senators. They were not allowed to take their seats in the Senate however until 1821, because the State was not yet admitted into the Union. Mr. Barton was a native of Tennessee and was a soldier in the War of 1812. He had served as judge of the Circuit Court a short time about 1816, but had no brilliant career as a jurist. He was a fluent orator and a man of resplendent genius. At the time of the admission of Missouri he was the most popular man in the State. He was chairman of the convention that framed the State Constitution and was unanimously elected to the Senate in 1821 and re-elected in 1825. During his last term he became unpopular in the State because of his espousal of the cause of John Quincy Adams for the Presidency against General Jackson, who was a great favorite in Missouri. Accordingly, in 1833

he was defeated as a candidate for Congress, but afterwards served one term in the State Senate. Toward the close of his life he became insane and died near Boonville in 1837.

67. Benton and Lucas.—Col. Benton was elected United States Senator with Mr. Barton, but not without great opposition. Mr. Benton had been a resident of Tennessee, had there been a member of the Legislature, and attained to the rank of colonel as commander of a Tennessee regiment in the War of 1812. But his brother, Jesse Benton, and Amos Carroll had there fought a duel. Andrew Jackson had earnestly espoused the cause of Carroll, which led Thomas Benton to vigorously denounce Jackson. In return Jackson attempted to horsewhip Benton on the streets of Nashville, and was shot in the arm by Jesse Benton. This made the Bentons very unpopular in Tennessee, and in 1813 Mr. Benton came to Missouri. In 1817 he had a very noted duel with Charles Lucas, at that time United States attorney for the district of Missouri, and a son of the first chief justice of the Territory. Lucas was about twenty-five years old, and Benton was about forty. Lucas had challenged Benton, and when the fight came off was wounded in the neck but not killed. He expressed himself as satisfied. Then Benton in a violent rage demanded of Lucas that they fight till one or the other was killed. This they afterwards did and Lucas was killed. In the minds of many people this action of Mr. Benton was regarded as murder, and lost him many friends in the new State. He was opposed for the Senate by his adversary's father, Judge Lucas, and the balloting ran through several days without a choice. Finally Mr. Barton said he preferred Benton for his associate. He was accordingly elected, and served for thirty years, the longest term ever extended to any Senator by any State.

68. The First Congressman.—Missouri was then entitled to only one Congressman. John Scott was elected. He had for some time been the Territorial delegate and was a man of ability. He was born in Virginia in 1782, graduated at Princeton College in 1805, and soon afterwards settled at Ste. Genevieve, Missouri; was a delegate to Congress from the Territory of Missouri from 1817 to 1821 and then a Representative in Congress till 1827, where he took high rank as a man of educated talent and bold integrity. When the contest came up in the House of Representatives for the election of a President he voted for John Quincy Adams, and was supported in his action by Senator Barton, but opposed by Mr. Benton, who favored Jackson. As a consequence Scott was never again returned to Congress. Nor did he ever again enter politics. He devoted himself studiously to the practice of the law, and for forty years had a practice which extended over a great part of the State.

69. The Supreme Court.—By the terms of the Constitution the judges of the Supreme and Circuit courts were to be appointed by the Governor, and the appointments confirmed by the Senate. This law remained in force till 1851, when it was changed, and judges thereafter were elected just as other officers. The first members of the Supreme Court were Mathias McGirk of Montgomery county, John D. Cook of Cape Girardeau, and John Rice Jones of Pike county. They were all men of great probity and judicial learning, and were elected without any regard to their politics. Mr. McGirk remained a member of the court until 1841. Mr. Cook resigned within a year or two, and Judge Jones died in 1824. Both had been members of the Constitutional convention. Mr. Jones had also been very prominent in the Territorial days as a member and president of the Legislative Council. He was the first English lawyer

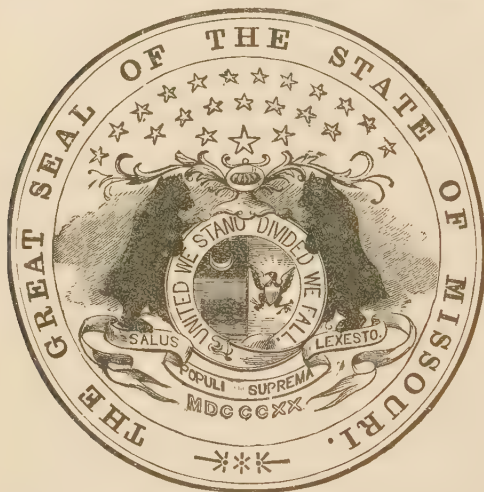
resident within the country now called Illinois, having settled at Vincennes in 1787. He came to Missouri in 1808, and afterwards settled at Potosi, where he became the partner of Moses Austin, the man who gave his name to the capital of Texas. George Tompkins was appointed in place of Mr. Jones, and served till 1845, twenty-one years, and then retired, having become sixty-five years old, beyond which age no person was then legally capable of being judge. He had in early manhood been a school teacher, and about 1810 conducted the only English school in St. Louis, but afterwards located in Franklin, Howard county, and was appointed to the Supreme Court from that place.



JOHN RICE JONES.

70. The State Seal.—The Constitution of Missouri provided that the Secretary of State should procure a seal of the State with suitable emblems and devices, “which should not be subject to change.” The Legislature of 1822 directed what the devices and emblems should be, and the present seal was fashioned and has been in use since. The following is a description of it: On a circular shield equally divided by a perpendicular line, is a red field on the right side, in which is the grizzly bear of Missouri. Above, separated by a wave or curved line, is a white or silver crescent in an azure field. On the left, on a white field are the arms of the

United States. A band surrounds the escutcheon, on which are the words, "United we stand, divided we fall." For the crest, over a yellow or golden helmet, full-faced and grated with six bars, is a silver star, and above it is a constellation of twenty-three smaller stars—Missouri being the twenty-



fourth State to unite with the Union, the large star represents her and the other stars the rest of the Union. The supporters are two grizzly bears, standing on a scroll on which is inscribed the motto of the State, "*Salus populi suprema lex*

esto"—let the welfare of the people be the supreme law. Underneath the scroll are the numerals, MDCCCXX, which was the year of the adoption of the first Constitution. Around the entire circle are the words, "The Great Seal of the State of Missouri." This seal is still kept in the office of the Secretary of State, and is stamped on all commissions of officers and on every contract to which the State becomes a party.

71. Rufus Easton.—One of the most noted men in Missouri throughout the entire Territorial period and long after she became a State, was Rufus Easton of St. Louis. He was born in Connecticut in 1774, and came to Missouri

in 1804, having previously distinguished himself as a lawyer in New York, and was the same year appointed a Territorial judge of the United States Court. Two years later he became the attorney of the court, and in 1808 became the first postmaster of St. Louis.

He continued to practice law and soon became the leading lawyer of the Territory.

In 1813 he went to Congress, and was succeeded two years later by Edward Hempstead. Upon the organization of the State government he became Attorney-General and held the office till 1826. He died in St. Charles in 1834. No man in all the early Missouri history was more thoroughly devoted to, and influential in, up-building the moral, social, and commercial life of the people.

As a lawyer, he had no peer in the Territorial days, and as a man of upright conduct, he did more than any other person in exposing the conspiracy of Aaron Burr.



RUFUS EASTON.

Questions on Chapter II.

1. When was the first election held? (64)
2. Who was the first Governor of the State? (64)
3. What is said of Alexander McNair? (65)
4. Of what was the first Legislature composed? (66)
5. What counties were organized at this session? (66)
6. Who were the first United States Senators from Missouri? (66)

7. What is said of David Barton? (66)
8. What is said of Thomas Benton? (67)
9. What caused him great opposition in the State? (67) Why?
(67)
10. Who was the first Congressman? (68)
11. Give a sketch of his life? (68)
12. How were the first Supreme and Circuit Court judges chosen?
(69)
13. Who were the first Supreme Court judges? (69)
14. What is said of John Rice Jones? (69)
15. How long could a judge serve under the first Constitution?
(69)
16. Describe the State Seal. (70)
17. What is said of Rufus Easton? (71)

Topical Outline of Chapter II.

FIRST YEARS AS A STATE.

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| { | <ol style="list-style-type: none"> 1. First Election. 2. Alexander McNair. 3. New Counties. 4. United States Senators. 5. David Barton. 6. Thomas Benton. 7. The First Congressman. 8. The Judges. 9. John Rice Jones. 10. The State Seal. 11. Rufus Easton. |
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CHAPTER III.

BATES AND MILLER—1824-32.

72. The Second Governor.—The second Governor was Frederick Bates of St. Louis. He had been prominent in the Territorial days and was a member of the constitutional convention. His opponent was William H. Ashley, who had been Lieutenant-Governor during McNair's administration, and who, because of his daring intrepidity in advancing the fur trade into the Rocky mountains and in fighting the Indians, had invested his character with much romance. But Bates was successful. Before Mr. Bates had served a year as Governor, the people were called upon to mourn his death. Benjamin Reeves of Howard county had been elected Lieutenant-Governor along with him, and of course the office of Governor would have fallen to him had he not resigned before the death of Governor Bates, to become one of the Government Commissioners in the opening up of the noted road from Leavenworth to Santa Fe. Under the law, therefore, the office devolved on the President of the Senate *pro tempore*, who at that time was Abraham J. Williams of Columbia, and who at once began to exercise the duties of Governor. He proclaimed a special election to be held December 8, 1825, which resulted in the election of John Miller of Howard county, who served out the remainder of the term. This was the only time in the history of the State that the President of the Senate *pro tempore* became Governor. He served until January 20, 1826.

73. Frederick Bates.—Frederick Bates was born in Goochland county, Virginia, in 1777. His education was begun in a private family school and ended in an academy.

He studied law and at the age of twenty went to Detroit, a military post, and became its postmaster. In 1805 he was



FREDERICK BATES.

appointed by President Jefferson the first judge of the Territory of Michigan. In 1806 he moved to St. Louis, and from that time till Missouri became a State Mr. Bates was continually in some capacity a Territorial officer. He was Secretary of the Territory under Governors Lewis, Howard and Clark, and during the interims between their administrations he was acting Governor, and also during

their protracted absence from the Territory. In 1808 he compiled the "Laws of the Territory of Louisiana," the first book printed in St. Louis. In 1824 he was elected Governor to succeed McNair, without any solicitation or effort on his part. He died August 4, 1825.

74. Duels.—Dueling had become a threatening evil among the prominent men of Missouri, and had greatly shocked public sensibility. Many of the duels had been fought on an island in the Mississippi river below St. Louis, which was long afterward known as "Bloody Island." During the administration of Governor Bates the Legislature undertook to break up this barbarous practice by making it odious. A bill passed both houses making the "whipping post" the mode of punishment. But the Governor vetoed

the bill because he could not approve of whipping as the penalty. In his veto message he said: "I am happy to record my utter detestation and abhorrence of dueling. My duty to my neighbors and myself would compel me, if possible, to put down so barbarous and so impious a practice." After his veto the bill failed to pass. This is the first recorded veto by a Governor of Missouri of which we have any knowledge.

75. The Visit of Lafayette—The year 1825 was made memorable by the visit of Marquis de Lafayette, and his son George Washington Lafayette, to St. Louis. This great man, after an absence of fifty years in his own beloved France, had on the invitation of the President of the United States made a visit to the country whose independence he had done so much to win. While his own land had been filled with tumult, war and poverty, he now found the thirteen Colonies developed into a strong young nation of twenty-six States, happy, prosperous and free. He visited every State, and in St. Louis, with its largely French population, he was received with great favor. His entrance into the city was an ovation—not like the triumph of a military conqueror, but like that of a devoted father and patriarch returning to his own after a long absence in a patriotic trust elsewhere. He came up the Mississippi, landed at the city on April 29, 1825, where half of its population had assembled to meet him, all familiar with his name, and many of them of the same nationality and familiar with his language.

76. The Capital of the State.—The capital of Missouri was fixed by the Constitution on the Missouri river, within forty miles of the mouth of the Osage. Congress had granted the State four sections of land to be used for the seat of government. The first session of the General Assembly had appointed a commission of five men to locate the capital.

After long and weary examinations Jefferson City was chosen and the first session of the Legislature met there in 1826. Prior thereto it had held its sessions in St. Charles. The State-house was begun in 1823, at Jefferson City, on the site now occupied by the Governor's mansion, and was completed by 1826, at a cost of \$25,000. It burned down in 1837, and the present building was in part erected the next year from stone taken from quarries at the edge of the bluff only a few rods from the Capitol. This building was enlarged in 1887, the whole structure having cost not less than \$600,000. The Legislature of 1895 submitted to the voters of the State an amendment to the Constitution which provided for the removal of the capital to Sedalia. This proposal was fought in the Supreme Court as being in conflict with vested rights and on many other legal grounds. But the Court held that it might properly be submitted to the people. This was done at the general election of 1896, and the amendment was overwhelmingly defeated. The State capital, therefore, remains at Jefferson City, where the Constitution of 1875 placed it, as we have seen in section 100 of the Civil Government of Missouri.

77. John Miller.—In 1828 General Miller was re-elected Governor, without opposition. The Adams party, which was now beginning to be called the Whig party, had no candidate. Daniel Dunklin, of Potosi, was elected Lieutenant-Governor. Miller's administration was most satisfactory to the people. He was born in Berkeley county, Virginia, November 25, 1781, reared on a farm, and had the advantage of a common school education only. He evinced his predilection for military life when a boy by always "playing soldier," and his ability to lead by always being captain of his company. In the early part of the present century he located at Steubenville, Ohio, where he edited

and published the "Western Herald" and "Steubenville Gazette." While thus engaged, he was appointed general of the State militia of Ohio, and held the rank of colonel in the United States army throughout the war of 1812. He commanded the Nineteenth United States Infantry and was assigned to duty under General William Henry Harrison. In May, 1813, while General Harrison was collecting forces at Fort Meigs (pro. Megz) for the purpose of invading Canada, General Procter of the British army, under the cover of night, erected a battery of six guns so near the fort as to make its dislodgment necessary by General Harrison. Instead of assuming the responsibility of command and ordering the troops to take the battery, General Harrison called a council of war, and asked each colonel if he could or would take the battery. When Colonel John Miller was called,



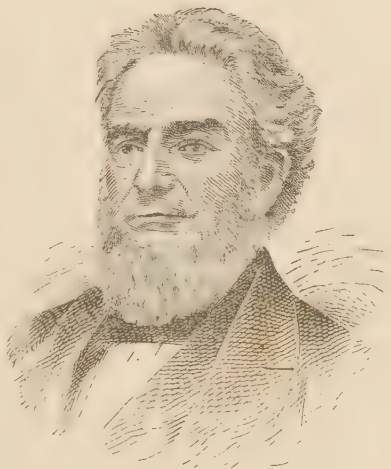
JOHN MILLER.

he was indignant at what he regarded as General Harrison's unmilitary deportment, and without making excuse, replied (using the identical words which afterwards became so famous), "I'll try, Sir." He was given a detachment of three hundred and fifty men, a part of whom were regulars, and the remainder volunteers and Kentucky militia. These brave soldiers attacked a body of British regulars and Indians, of more than double their number; but the impetuosity of their charge was irresistible, and after a severe struggle they drove the enemy from the batteries. They spiked the

cannon, took a large number of prisoners, and having fully accomplished his object, Miller returned in triumph to the fort. The engagement was one of the most bloody and desperate of the whole war, and its brilliant success was due to his intrepid gallantry. Ten months later Colonel James Miller of the Sixth United States Infantry, under similar circumstances made the same reply—"I'll try, Sir"—at Lundy's Lane, and his heroism was rewarded by an order directing the words to be stamped upon the buttons of the soldiers of his regiment. But equal glory for equal heroism is due John Miller for his heroic daring at Fort Meigs. At the close of the war John Miller was retained in the regular army and ordered to duty in Missouri. In 1817 he resigned his command and held the office of Register of Lands till 1825, when he was elected Governor, and served till 1832, a period of nearly seven years, a longer term than has ever been extended to any other Governor. He died March 18, 1846.

78. Congressmen.—In 1828 the Adams or Whig candidate for Congress was Edward Bates, a brother of Frederick Bates, and the eloquent gentleman who afterwards became a member of President Lincoln's Cabinet as Attorney-General of the United States. The Democrats had two candidates, Dr. William Carr Lane and Spencer Pettis, both of whom were popular with the people, with about an equal number of supporters. The Democratic leaders regretted this double candidacy, and lest both be defeated it was proposed that one should withdraw. The matter was left to Mr. Benton, and he promptly decided that Pettis should alone be the Democratic candidate. Mr. Pettis was elected and reflected credit upon himself and his State. In 1830 he was a candidate again against David Barton. The whole nation was then much concerned about President Jackson's purpose to abolish the United States Bank, the Democrats

in Missouri enthusiastically supporting Jackson, and the Whigs with equal earnestness opposing him. The president of the bank was Nicholas Biddle, who, from that fact, was the leader of the party which clamored for its re-charter. Mr. Pettis in his canvass warmly criticised Biddle, and thereby gave offense to Major Thomas Biddle, an officer in the United States army at St. Louis, and a brother of the president of the bank. Major Biddle scurrilously attacked Pettis through a newspaper, to which Mr. Pettis replied



EDWARD BATES.

in kind. Thereupon Biddle went to his room at the hotel and severely chastised him with a cowhide. Mr. Pettis, upon the urgent request of Thomas Benton, continued to make his canvass, and was elected by an overwhelming majority, the people feeling that he had been attacked on account of his political opinions and therefore gave him a very large vote. A short time thereafter he challenged Major Biddle for a duel, and both were killed on Bloody Island. This duel did much to arouse harsh feelings between the political parties of Missouri, but it also in a few years did much to create a public sentiment against the barbarous practice of dueling and in less than ten years it had almost disappeared from the State. But the death of Pettis made necessary a special election to fill his place in Congress. It

resulted in the election of Wm. H. Ashley, who continued in Congress till 1837, and was succeeded by John Miller.

79. Efforts at Emancipation.—Slavery attracted attention even at this early date. An unique incident occurred in regard to it about 1827. It was an effort to set in operation plans for its gradual destruction. Accordingly a secret meeting was held, attended by twenty of the leading politicians of both parties, in about equal numbers from each. The United States Senators at that time were Messrs. Benton and Barton. The first was a Democrat and the other a Whig. Both took part in this meeting and led the movement. An agreement was signed by all the members present by which they undertook to persuade each party to commit itself to gradual emancipation of slavery. Resolutions in the form of memorials were drawn up to be presented to the people throughout the State for signature. A very little matter made the whole undertaking impossible before the day on which it was to be first presented to the public. Arthur Tappan of New York was at that time a very noted, enthusiastic but fanatical Abolitionist. The report was published generally that Tappan had entertained some negro men at his private table, and that these negroes had ridden out in his private carriage with his daughters. This “raised such a furor” that the movers in this laudable plan “dared not permit the memorials to see the light.” It is difficult to appreciate in our day the effect of the conduct of Tappan. But it is another illustration of what small things sometimes change the history of nations. These twenty men claimed they had the power to carry out their project, but after the Tappan incident they began to fear the result if they should succeed.

80. General Prosperity.—Governor Miller’s administration was a time of general prosperity. The great body

of the people were quietly toiling and preparing for the rising greatness of the State. All kinds of agricultural industry were followed with profit. At first most products sold at very low prices; wheat at fifty cents per bushel, potatoes at fifty cents, flour at one dollar and fifty cents per hundred and pork at the same price, cows at from eight to twelve dollars and working oxen at from thirty to forty dollars. But these low prices were largely due to the difficulty of reaching the world's markets. Toward the close of his term steamboats became more frequent on the rivers, and transportation cheaper and easier. Then prices became better. The "prairie fires" at this time presented a sight never to be seen again. The prairies and woods were filled with snakes and numerous wild animals. To destroy these and prevent vegetation from decaying, in the nights of spring and fall the "prairie fires" were set, and made a beautiful scene, though sometimes attended with danger.

81. The Election of 1832.—At the election in 1832 there were three candidates for Governor. Daniel Dunklin of Washington county was the Democratic, Dr. John Bull of Howard was the anti-Jackson candidate and Samuel C. Davis was an independent candidate. Dunklin was elected by a majority of about 1,100. The Lieutenant-Governor was Lilburn W. Boggs of Jackson county. Dr. Bull and William H. Ashley were the same year elected members of Congress, under a new apportionment which gave Missouri two representatives instead of one. Governor Dunklin was inaugurated November 22, 1832.

Questions on Chapter III.

1. Who was the second Governor of the State? (72)
2. Who was his opponent? (72)
3. What profitable trade did he advance? (72)
4. How long did Bates serve? (72)

5. Who succeeded to his office on his death? (72)
6. Why did not the Lieutenant-Governor do so? (72)
7. Who was elected Governor in 1825? (72)
8. Give a sketch of the life of Bates. (73)
9. What is said of dueling? (74)
10. What is thought to be the first Governor's veto? (74)
11. Describe the visit of Lafayette to St. Louis. (75)
12. What is said of the capital of Missouri? (76)
13. When was an attempt made to move it? (76)
14. How? (76)
15. Who was elected Governor in 1828? (77)
16. What was the Adams party now called? (77)
17. What is said of John Miller? (77)
18. Describe his connection with the words "I'll try, Sir." (77)
19. What other office did he hold before he became Governor? (77)
20. Who were the candidates for Congress in 1828? (78)
21. Who was elected? (78)
22. What duel grew out of this election? (78)
23. Who succeeded Pettis in Congress? (78)
24. What incident toward gradual emancipation of slaves is mentioned? (79)
25. Why did it not succeed? (79)
26. What is said of Miller's administration? (80)
27. Why were prices low? (80)
28. What is said of prairie fires? (80)
29. Who were the candidates for Governor in 1832? (81)
30. Who was elected? (81)
31. The Lieutenant-Governor? The Congressmen? (81)

Topical Outline of Chapter III.

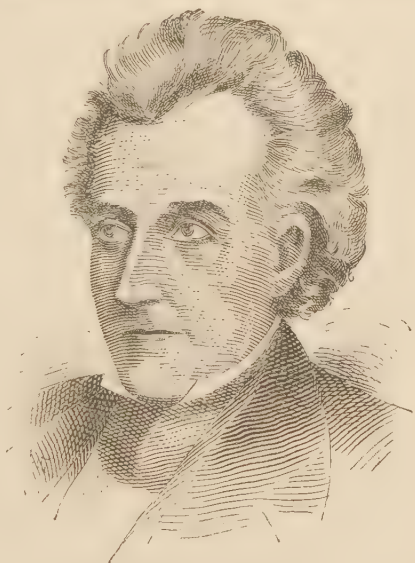
ADMINISTRATION OF BATES AND MILLER.

- | | |
|---|--|
| { | <ol style="list-style-type: none"> 1. Frederick Bates. 2. Special Election. 3. Abraham Williams. 4. John Miller. 5. State Capital. 6. Congressmen in 1828. 7. Pettis and Biddle. 8. Emancipation Efforts. 9. General Prosperity. 10. Election of 1828. |
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CHAPTER IV.

GOVERNOR DUNKLIN'S ADMINISTRATION— 1832-36.

82. **Governor Dunklin.**—Daniel Dunklin, fourth Governor of Missouri, was born in Greenville District, South Carolina, in 1790; moved to Kentucky in 1807, and to Potosi, Missouri, in 1810. He was sheriff of Washington county while Missouri was yet a Territory, and was a member of the constitutional convention of 1820. He became Governor, November, 1832, and espoused the cause of public schools so ardently that he may be justly called the Father of the Common School System of Missouri.



DANIEL DUNKLIN.

One month before his term as Governor expired he resigned to accept the office of Surveyor-General of Missouri, Illinois and Arkansas, which had been tendered him by President Jackson. In this capacity he established the boundary line between Missouri and Arkansas, and laid out many of the counties of these three States. He died in 1844, and is buried near Pevely, Jefferson county, on the serene bluffs

overlooking the Mississippi—one of the most beautiful places on the majestic river.

83. Cholera.—The Asiatic cholera, perhaps the most violent epidemic ever known in America, reached St. Louis in 1832. It had devastated cities in Europe; had crossed the seas and invaded New York, Philadelphia and Baltimore. The people of St. Louis had taken warning and made vigorous efforts to prevent its coming by using proper food and carefully cleaning the streets. But the deadly malady nestled in the wings of the wind and baffled all opposition. It first attacked a soldier at Jefferson Barracks, at the outskirts of the city. It then spread rapidly among the people, many of whom fled to other climates. It lasted six or seven weeks. During a greater part of this time there were from twenty to thirty deaths a day. When it finally disappeared there had fallen one in every twelve of the city's population. It also appeared the same year in Ste. Genevieve, Cape Girardeau, and other places, but the next year it prevailed with greater fatality in them. In 1849 it came again to St. Louis, with more direful results. In the midst of the consternation which seized upon the people a board of physicians pronounced against a vegetable diet and in favor of meat, and the city council passed a law prohibiting the use or sale of vegetables. The people, interpreting this to mean that meat was a remedy for the disease, engorged themselves with it, eating even to gluttony. The price arose to enormous sums. But in a month or two the undue stimulating effects of the meat diet were seen, and the ordinance repealed. But still the number of deaths reached one hundred and sixty a day, and between April 30 and August 6, 4,060 persons died from cholera alone. In 1850 and 1851 and again in 1867 it prevailed at various points along the Mississippi and Missouri, but rarely reached

the towns a few miles from the river courses. In all these places the dreadful pestilence stalked the land leaving death and despair in its wake. The healthiest and stoutest men were often the first stricken. Persons of robust bodies would be attacked and in three or four hours waste away to skin and bones. So infectious was the disease supposed to be that burials frequently took place at night by torchlight, and often women and even parents assisted in burying their own dead.

84. **Lovejoy.**—Another noted attempt to emancipate slaves was made about this time by Rev. E. P. Lovejoy, who, on his return from the theological school at Princeton College in 1833, began in St. Louis the publication of a paper devoted to the condemnation of slavery and its gradual extinction. His views, though at this day they would be regarded as mild and prudent, were abusive and full of denunciation. They were received in the spirit in which they were made, and instead of winning the people to his cause he drove them from him, and soon they shared his spirit of denunciation and became as abusive as he was. At the end of a year or two he found a longer residence in Missouri unprofitable and unsafe, and announced his purpose to remove to Alton, Illinois. The people thereupon sacked his office, and threw his presses into the street, but without personal injury to him. At Alton he followed the same course pursued in St. Louis, but with worse results. His office was twice sacked and in a third attempt Lovejoy was shot. His death aroused great feeling in the North, and greatly incensed its people toward the South, especially toward slavery, although he had not met his death in a slave State or at the hands of slave holders. Being a man of talent and noble purposes, had he pursued a milder and more persuasive course, he might have averted much of the trouble

which afterward came to Missouri. But his life was only another illustration of how unalterably opposed Missourians are to abuse and outside interference with their affairs.

85. The Platte Purchase forms an unique niche in our American history. It was a procedure by which a large tract of land was added to an already large State. It was brought about by the inhabitants of Clay and adjoining counties, led by men then or afterwards prominent in the State, and all gentlemen of ability and honor. Among them were General Andrew S. Hughes, who was said to be scarcely second to the celebrated John Randolph in wit and sarcasm and was a lawyer of excellent parts; William T. Wood, afterwards a resident of Lexington and a well known judge; A. W. Doniphan, the brave commander of "Doniphan's Expedition" of the Mexican War; and David R. Atchison, afterwards United States Senator. With the assistance of these gentlemen, Senators Benton and Linn pushed through Congress a bill by which all the country now embraced in the counties of Atchison, Andrew, Buchanan, Holt, Nodaway and Platte became a part of Missouri. On September 17, 1836, Captain William Clark, who had been superintendent of Indian affairs throughout Missouri since the time he was the Territorial Governor, formed a treaty with the Sac, Fox, and Iowa Indians, by which they ceded this territory to the United States. In return the Indians were given \$7,500 and four hundred sections of land in northwestern Kansas, and the entire country, therefore, has been known as the Platte Purchase. It all lies between the Missouri river and a meridian line drawn through the mouth of the Kansas river, at Kansas City, and comprises one of the richest bodies of land to be found anywhere. In December, 1836, Congress passed a law opening the country to settlement, and the next year found it teeming

with people from every State and many came from Canada, on account of the Canadian rebellion. In a few years Platte county was next to St. Louis in population, and sent three members to the Legislature, and Buchanan sent two. This ascendancy continued till the large emigration to Kansas in 1856.

86. The Election for Governor in 1836 took place in August, and was preceded by a warm campaign. Lilburn W. Boggs was the Democratic candidate, and William H. Ashley of St. Louis, the Whig candidate. Boggs was elected, and Franklin Cannon of Cape Girardeau was chosen Lieutenant-Governor. The vote at this election was sixty per cent greater than it had been four years before. In November John Miller and Albert G. Harrison of Callaway county, were elected Representatives in Congress.

Questions on Chapter IV.

1. Who was the fourth Governor of Missouri? (82)
2. Who was the Father of the Public School system? (82)
3. What further is said of Dunklin? (82)
4. What is said of the Asiatic cholera? (83)
5. When did it first come and what places did it visit? (83)
6. When did it next come and what results attended it in St. Louis? (83)
7. When and where did it come again? (83)
8. How did it attack the people? (83)
9. What is said of Lovejoy? (84)
10. Where were his presses first destroyed? (84)
11. Where did he then go? (84)
12. What happened to him there? (84)
13. How was his death received by the North? (84)
14. What is said of the Platte Purchase procedure? (85)
15. Who were the principal men in the movement? (85)
16. What counties did it add to Missouri? (85)
17. Who conducted the negotiations with the Indians? (85)
18. What were the terms of exchange? (85)

19. What Indian tribes were concerned in the purchase? (85)
20. What is said of the settlement of the country? (85)
21. What is said of the election of 1836? (86)

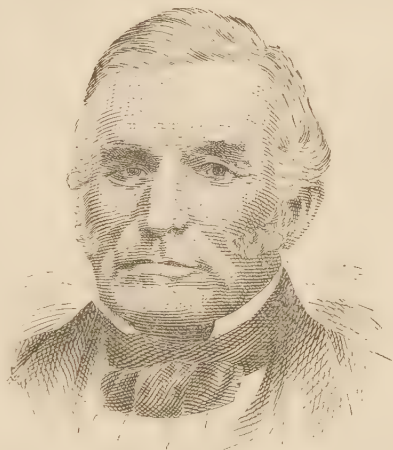
Topical Outline of Chapter IV.

DUNKLIN'S ADMINISTRATION.	{	1. Daniel Dunklin.		
		2. Cholera.	{	1. 1832 and 1833.
				2. 1849.
		3. Lovejoy.	{	
		4. Platte Purchase.	{	1. Six Counties.
				2. Added to a State.
				3. Prominent Men.
				4. Indians.
			{	5. Price.
				6. Settlement.
		5. Election of 1836.		1. Governor.
				2. Lieutenant-Governor.
			{	3. Size of Vote.
				4. Congressmen.

CHAPTER V.

GOVERNOR BOGGS AND MORMON TROUBLES.

87. Governor Boggs.—Lilburn W. Boggs, the fifth Governor of Missouri, was born at Lexington, Kentucky, in 1796. He served as a soldier in the War of 1812, and in 1816 came to Missouri, first settling at St. Louis, then at St. Charles, Franklin, and in Jackson county, being engaged most of the time in the fur trade with the Indians. In 1826 he was elected to the Legislature, and served in that body during several sessions. In 1832 he became Lieutenant Governor, and on the resignation of Governor Dunklin, assumed the duties of his office.



LILBURN W. BOGGS.

He was elected Governor in his own right within a month, inaugurated November 23, 1836, and served four years. He was afterwards a leading member of the State Senate, and in 1846 moved to California, where he filled honorable public offices, and died in 1861.

88. The Seminole War.—The first military glory of any consequence won by Missourians was in 1837, during the Seminole War. The Seminole and Creek Indians had agreed to move from Florida west of the Mississippi, and the national Government ordered them to do so. They

refused to go, and when the attempt was made to force them, they retreated to their swamps, and from there carried on a fierce predatory warfare for a year or two. The Government was in need of soldiers and the Secretary of War called on Missouri for one thousand mounted volunteers. This of itself was a compliment to the State, for such a request was made of no other State. They were enrolled from Boone, Callaway, Howard, Jackson, Ray, Chariton and Marion, and were soon on the march to Florida, under the gallant Colonel Richard Gentry of Columbia. After a toilsome journey they joined the regular army under General Zachary Taylor and took part in a bloody battle with the Indians near O-kee-cho-bee Lake, where the whole force of the Seminoles had been gathered under Tiger Tail, Alligator and other warriors. The soldiers had to cross a miry swamp to reach the Indians and to stand knee deep in mud and water while the battle lasted. Nevertheless these hardy volunteers, with Colonel Gentry in the lead, bravely marched on and fought on till the Indians were routed. One hundred and forty of them, mostly Missourians, were killed, among them Colonel Gentry. This battle ended the war. General Taylor, in his report of it, did great injustice to the Missouri volunteers, and spoke of them so sneeringly as to lead them to think they had been slandered by him. The matter came up in the Missouri Legislature, where, after a thorough investigation, resolutions of the highest praise of Colonel Gentry and the volunteers were adopted. The President, through the Governor of Missouri, was requested to have justice done in the matter, but nothing came of this request.

89. Mormon Troubles.—The founder of Mormonism was Joseph Smith, an uneducated, eccentric, erratic youth of New York, who regarded himself as the “Revelator and Prophet” of a new faith, and claimed he was, by divine appointment, to establish a kingdom as precursory of

the millennial reign of Christ on earth. He was born in Vermont, and removed with his father to Palmyra, New York, in 1815. Here he became within a few years much impressed by religious revivals. In 1823 he claimed an angel came to him and revealed the place where plates of gold, containing inscriptions of the early history of America, could be found. These plates the angel of the Lord delivered to him the next day at the place mentioned in the dream. They were covered with Egyptian characters, resembling hieroglyphics, and by the aid of Oliver Cowdery, whom John the Baptist came to the earth to ordain, he translated them into the "Book of Mormon," as a special revelation from Heaven. This book has been the mythical source of the Mormon faith, and is accepted by the faithful Mormon as a revelation from God, of equal authority with the Bible.

90. **At Independence.**—Smith made some converts in New York. In 1831 he moved to Ohio, and the next year to Jackson county, Missouri, found the "Zion" of his prophecy at Independence and named it the "New Jerusalem." The "Saints" entered much land, owned all things in common, though most of the titles were in the bishops, established the "Lord's Storehouse" at the New Jerusalem and started the *Evening Star*, the first newspaper published in that part of the State, in which weekly appeared "revelations" promising wonderful things to the faithful. They called all persons not Mormons, Gentiles, and pronounced curses upon them, who tarred and feathered two of their bishops and threw their printing press into the streets. An encounter took place between the Mormons and Gentiles in 1833, near Westport, in which the latter were defeated, and two Gentiles and one Mormon were killed. Then the Mormons determined to drive out the Gentiles from Independence, but the latter were successful

and compelled the Mormons to cross the river into Clay, Carroll and chiefly Caldwell county.

91. Far West.—In Caldwell county the Mormons began another town and called it “Far West,” and Jo. Smith promised it would soon become one of the mighty cities of the world. Missionaries canvassed the East for converts. They poured into the new town rapidly. Settlements soon extended over four or five counties. In 1837 they began work on the temple at Far West. It was to be the most magnificent in the world. Five hundred men began work on it and in a half day excavated a cellar 120 by 80 feet and four feet deep. But it was never to be completed. Many industrious, prosperous citizens had been drawn hither. But their prosperity was to end also. Many thieves had also come. They believed it was proper for them to steal from the Gentiles. They, therefore, wandered through the country and appropriated whatever they saw and desired. The majority of the people being Mormons, no punishment was inflicted upon the thieves as they also claimed to be Mormons. This condition appealed to the citizens of other parts of the State for interference.

92. Outside Interference.—It first began at DeWitt on the Missouri river in Carroll county. Here the Mormons had established a thriving settlement. It had a good wharf for boats and was the best port for Far West trade. Colonel G. W. Hinkle was the principal man of the town. A committee of citizens, led by Rev. Sarchel Woods, notified him that at a large meeting in Carrollton it had been determined to drive the Mormons from DeWitt. Hinkle drew his sword and defiantly threatened death to all persons who would interfere with the Saints. “Put up your sword, Colonel,” said Mr. Woods. “I am an old pioneer, have heard the Indians yell, the wolves howl and the owls hoot;

and am not alarmed at such demonstrations." But Hinkle did not go, and toward the last days of September, 1838, four or five hundred troops, under Congreve Jackson of Howard county, had bivouacked near the town. The Mormons were reinforced also, and the Gentiles were anxious for a fray. But Judge Earickson, of Howard county also, interfered in the interest of amicable settlement. The Mormons finally agreed to leave, to pay for all the cattle stolen, and the Gentiles were to pay first cost on their lands. Men, women and children loaded their goods into wagons and started a long, sad train for Far West.

93. Mormons Expelled.—The indignation against the Mormons had now become general. The people clamored for their expulsion from the State. Governor Boggs ordered out the militia to put down the insurgents and enforce the laws. General John B. Clark of Howard county was put in charge of the raw militia and General A. W. Doniphan of the regular militia. A thousand Mormons, commanded by Colonel Hinkle, were in arms. Clark and Doniphan first met, in the southwest part of Caldwell, David Patten, or Captain "Fear-Not," who led the "United Brothers of Gideon," and who was here killed. Fifteen miles east of Far West they met 125 Mormons under arms, and a skirmish ensued in which eighteen of them were killed, some of them after they had surrendered. Clark and Doniphan pressed on toward Far West. The Mormon leaders agreed upon terms of surrender without a battle. They were to deliver up their arms, surrender their prominent leaders for trial, and all other Mormons should leave the State. Much distress followed these terms of surrender and the consequent removal. Many of the Mormons were poor. Like most early settlers of Missouri they had put most of their money in land. This they were required to part with for almost nothing. Farms were traded for a

horse, or a wagon or a yoke of oxen. Most of their number, at that time about 4,000 in Caldwell county, went to Nauvoo, Illinois. Far West is now a cornfield with only a few gravestones to mark its former site.

94. Among the Leaders Surrendered were Joseph Smith, Parley P. Pratt, Colonel Hinkle, Jacob Gibbs, and others, about twenty in all. They were indicted for treason, arson, murder, robbery, resisting legal process, and other crimes. By change of venue their cases were taken to Boone county for trial. On the way Joseph Smith escaped by bribing the guard. Pratt escaped from jail. Gibbs and the others were tried before Judge David Todd and acquitted. General Doniphan was their lawyer. Joseph Smith joined his followers in Illinois. There, about 1842, he had another "revelation" authorizing polygamy. He, his brother, and others were arrested and lodged in jail. Here a mob put them to death in June, 1844, but not till the Prophet had fought with desperation for his life, killing one man and wounding two others. After his death the "Council of Twelve Apostles" elected Brigham Young to be his successor. The Mormons were soon driven from Illinois to Utah, where they are still numerous and powerful. Some of them, however, among them Oliver Cowdery and David Whitmer, both of whom attested Smith's "Book of Mormon" as "a divine revelation and translation," remained in Missouri at the time most Mormons went to Nauvoo, withdrew from the body of Latter Day Saints, denounced its espousal of polygamy, and organized the "Church of Christ," which yet has an influential following in Ray and other counties, and holds to the "Book of Mormon" as a "divine revelation."

95. The Part Taken by Governor Boggs in driving out the Mormons determined their leaders upon his assassination. He lived at Independence, and to that place in

1841 came Peter Rockwell, a Mormon, who hired himself as a common laborer under a different name. After he had become acquainted he easily found an opportunity for his desperate intention. Late one evening as Boggs was leaning with his back to an open window, Rockwell shot him in the head. The wound was a terrible one; three of the balls lodged in his head and neck; another passed through and came out at the mouth. Nevertheless, he recovered. Rockwell was tried and acquitted.

Questions on Chapter V.

1. Who was the fifth Governor of Missouri? (87)
2. What is said of him? (87)
3. Describe the part Missouri took in the Seminole War? (88)
4. How did Taylor slander the Missourians? (88)
5. What was done about it? (88)
6. What is said of Joseph Smith and the origin of the Book of Mormon? (89)
7. When did the Mormons first come to Missouri? (90)
8. How were they received at Independence? (90)
9. What is said of Far West? (91)
10. What now became the conduct of some persons claiming to be Mormons? (91)
11. Were they punished by the courts? (91)
12. Describe the troubles at De Witt. (92)
13. For what purpose did the Governor order out the militia? (93)
14. Who was in command? (93)
15. Whom did they first meet? (93)
16. What of the next skirmish? (93)
17. What did the Mormons now? (93)
18. What was done with their leaders? (94)
19. What was Smith's next revelation? (94)
20. What became of him? (94)
21. Who was his successor? (94)
22. And what became of the Mormons of Illinois? (94)
23. What is said of another sect of Mormons that remained in Missouri? (94)
24. Describe the attempt to assassinate Boggs. (95)

Topical Outline of Chapter V.

BOGGS' ADMINISTRATION.	{	1. Lilburn W. Boggs.	{	1. At Independence.
		2. Seminole War.		2. At De Witt.
		3. Joseph Smith.		3. At Far West.
		4. Book of Mormon.		4. In Illinois.
	{	5. Mormon Troubles.		
		6. Church of Christ.		
		7. Attempt on Life of Boggs.		

CHAPTER VI.

THE ADMINISTRATION OF REYNOLDS AND MARMADUKE.

96. **The Presidential Campaign.**—The Presidential election of 1840 was attended with deep interest in Missouri, as in other States. The Whig candidate was William Henry Harrison, who had set in operation the powers of the United States Government in this territory. He was called the “Log Cabin Candidate” and the contest was called the “Log Cabin, Coon Skin, and Hard Cider Campaign.” Great assemblages were held throughout the State, addressed by the most powerful orators of the day, among whom were many men of great ability. At these “log cabins, real coons and hard cider were liberally displayed,” and bands of music, banners and great processions. Harrison was opposed by the Democratic candidate, Martin Van Buren.

97. **The Democrats and Financial Troubles.** There was some dissatisfaction in Missouri with the Democratic party, which had been in power in the Federal Government for many years, because of the widespread financial troubles of a few years before. These had grown out of the

wild speculations in lands and general recklessness in trade which had seized upon the nation some years before, and these financial panics were the natural results of the stringency and reaction following these reckless speculations. But the Whig party saw a good opportunity to turn them to fine political advantage and was not slow to do so. A few years before the charter of the old United States Bank, which had been in existence, with the exception of a few years, for forty years, expired. The Whigs strongly favored its re-charter, but were defeated by the Democrats under the lead of President Jackson, who had the national funds deposited in the various State banks. In each State there was one central bank, with branches at other commercial centers. In Missouri the principal bank was in St. Louis, with branches at Fayette, and later on at other points. This action on the part of Jackson preceded only about a year the storm which swept over the financial world in 1837, although the death blow to the bank had been given in 1832. The fate of the bank had little or nothing to do with the distress, yet they came close together and the Whig party made much out of the coincidence. But the people of Missouri had, from their organization as a State, profited by the lessons learned in the financial troubles of 1818, and had avoided in a great measure much of this speculation. They had always believed in "hard money," or gold and silver, and hence never were afflicted with the "wild-cat" paper currency which proved so injurious to the prosperity of some States, except as they felt it in their foreign trade. The Democratic party being then the special advocates of "hard money," the majority of them up to this time had voted with that party.

98. The State Ticket, and the Result.—The Whigs undertook to win them from their old faith, and the campaign of 1840 was the most energetic of any ever had in the

State prior to the Civil War if not up to this time. They supplemented their national ticket in Missouri by adding to it one of the most powerful stump speakers ever in the State,



JOHN B. CLARK.

General John B. Clark of Howard county, as candidate for Governor. Their principal doctrines were opposition to Jackson's policy, and the liberal use of the State's and Government's money in public improvements within the State. But the Democrats were also active. They regarded President Jackson as the people's friend and the doctrines he and his followers so much emphasized as the true principles of civil government. In opposition to

Clark they nominated Thomas Reynolds, also of Howard county, a man of solid worth, and in spite of the active efforts of the Whigs the Democrats again carried the State, as they had always done since the formation of parties in the State, and as they have usually done since. Thomas Reynolds was elected Governor, and Meredith M. Marmaduke of Saline, Lieutenant-Governor.

99. *The Whigs.*—The Whigs at this election for the first time assumed a distinct organization in Missouri. Before that, some Whigs had been very prominent in politics, and had been elected to important offices, but they were chosen often on account of their personal popularity and worth, rather than because of their politics. But for the next twelve

years the party made bold and aggressive campaigns at every election, although it at no time gained control of the State. Among its members were many of the ablest and best men Missouri has ever had. They were also its wealthiest, which fact contributed no little to their defeat at the polls. The Whigs were often styled the "aristocrats" of Missouri by their political enemies, and this did its share in preventing the party from gaining strong hold on the popular heart.

100. Muster Day.—Muster day was a time of much interest to the people of Missouri up to about 1840. In 1825 the Legislature had enacted an elaborate law for organizing the militia. By it all men over eighteen years old and under forty-five, except a few specially exempt, were enrolled as State soldiers. The purpose of the law was to prepare the State for Indian wars or any other emergency that might arise. The militia were arranged in divisions, brigades, regiments, battalions, and companies. A company consisted of sixty-four privates, each battalion of five companies, each regiment of two battalions, each brigade of four regiments, and a division of any number of brigades. Captains commanded companies, majors commanded battalions, colonels regiments, brigadier-generals brigades, and major-generals divisions. The Adjutant-General, next to the Governor, was the chief officer of the militia. Captains, majors, and colonels were elected by the vote of privates; generals, by the vote of under officers. On the first Saturday of April every year, the citizens of each township, or, if the population was sparse, of each county, came together to be organized into companies and drilled for soldiers. This was called "Muster Day." Then in May the companies came together and were organized into battalions, drilled and paraded for several days. In October drills were had by regiments and

brigades. All of these occasions were looked forward to by the people with a great deal of interest and expectation. The wealthy made display of gorgeous uniforms and splendid steeds, and chivalric heroes were received with demonstrations of popular favor. On Muster Day nearly all the people from the surrounding country witnessed the organization and drill of the soldiers, and as a result it became a time when debts were paid, loans made, and much trading done. No other day in all the year was so generally observed and none did so much to get the people acquainted with each other. It also did much towards cultivating a pride in the State and her institutions. Offices in the militia, though almost entirely without emolument, were as eagerly sought after as any in the State. However, there were some persons exempt from this service. They were any civil officer, preachers, teachers, millers, and students in school. Ministers were at no time required to perform any kind of military service, nor were they permitted to hold any civil office till the new Constitution was adopted in 1865. But under the military law ministers could be chaplains, and to be chosen as such was an honorable distinction.

101. **Imprisonment for Debt.**—The one action in Governor Reynolds' life for which he will be most remembered, and in which he most prided himself, was the repeal of all laws which permitted imprisonment for debt. This was done by the Legislature at its session in 1842-43. Up to this time when one proved in court that another owed him a debt, however small or large, he could have him imprisoned till it was paid. The laws in those times were unduly hard on the debtor. They allowed him but few things that a sheriff could not lay hold of and sell. If he had been unfortunate and lost his property, he could retain not over a hundred dollars worth for his family, and besides the avari-

cious creditor could come with an armed officer and take him away to jail, and thereby deprive his wife and children of the benefit of his toil. The worst part about such a law was that it was the cruel and avaricious man, the one without mercy or a danger of want, who oftenest made use of it. It also worked the greatest hardship on those who needed the State's protection most. This barbarous law, which was once in force in most of the



THOMAS REYNOLDS.

early States, Governor Reynolds determined to have repealed. He wrote the act himself and by earnest and persistent endeavor pushed it through the Legislature. It was one of the shortest laws ever enacted, and simply read, "Imprisonment for debt is hereby forever abolished."

102. Senator Linn.—In 1843 died Dr. Lewis F. Linn, one of Missouri's Senators in Congress. He was perhaps the most popular man the State ever had. He was born in 1795, near Louisville, Kentucky. In early life he began the study of medicine and unaided by rich or favorable opportunities, became a skillful and successful physician. In 1816 he moved to Ste. Genevieve, Missouri, and though often tendered public office steadfastly declined. His chivalric conduct in caring for the sick at the time of the cholera scourge in 1833 made him the idol of southeast Missouri.

During the pestilence Alexander Buckner and his wife of Cape Girardeau had died on the same day. Buckner at the



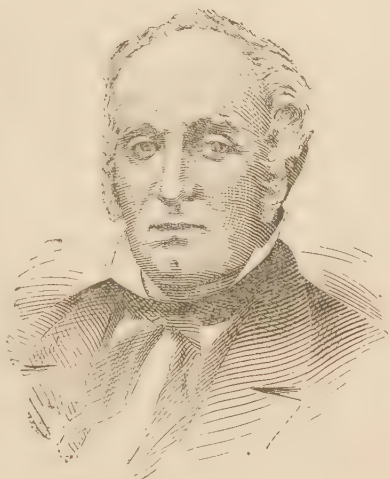
LEWIS F. LINN.

time represented Missouri in the national Senate, and had done so since the retirement of David Barton in 1830. Numerous petitions were sent Governor Dunklin to appoint Dr. Linn to the vacancy, who himself was just recovering from an attack of the cholera contracted while attending to others stricken with

the dreadful disease. The Governor did so, and when the Legislature met he was unanimously elected. He was re-elected in 1836 and again in 1843, this time receiving one hundred and nineteen out of the one hundred and twenty-nine votes, and during the whole period carefully looked after the interests of his State in that august body. Meetings were held in almost every county of the State to pay proper tribute to his name when he died, and the Legislature unanimously voted to erect a suitable monument to his memory. The Legislatures of Wisconsin and Iowa voted unanimously to wear mourning for him for thirty days, so highly did they appreciate his services while in the Senate in behalf of their young States. David R. Atchison of Platte county succeeded him in the Senate and served till 1855.

103. **Thomas Reynolds.**—Governor Reynolds, elected in 1840, was a man of excellent ability. He was born in

Kentucky, resided in Illinois for a few years, where he was Supreme Judge of the State. In 1828 he moved to Missouri, was successively a member of the General Assembly, Speaker of the House, Circuit Judge, and Governor. While yet holding this last office, on February 9, 1844, for the first time in his life, he asked a divine blessing at his breakfast table, then went to a room in the Executive Mansion, locked the door and shot himself. For several months he had been in poor health. It was thought this and domestic troubles had impaired his sanity. He left a note in which he said "the abuse and slanders of his enemies" had rendered his life a burden to himself and prayed God to "forgive them and teach them more charity." Lieutenant-Governor Marmaduke became the Governor and served till the twentieth of the next November, being a man of eminently respectable talents, and making a wise and safe ruler.



M. M. MARMADUKE.

104. **The Election of 1844.**—The election of 1844 has some interests beyond ordinary elections. Congress, at a previous session, had given instruction for the division of the State into Congressional districts. By the census of 1840, Missouri had, because of the great increase of her population, become entitled to five Representatives in

Congress instead of two as was the case from 1830 to 1840. Up to this time the State had never been divided into Congressional districts, nor was it now. The Legislature would not acknowledge the authority of Congress in the matter and refused to district the State. This action created some feeling in political affairs, and the Whigs, professing to believe the election of Congressmen on a general ticket in this wise would be illegal, refused to nominate candidates, and let the election go by default. The Democrats, left free from the opposition of a common rival, disagreed among themselves. One faction, which wished for stable silver and gold (hard) money and also desired the return of Thomas H. Benton to the Senate, became known as "Hards," and nominated John C. Edwards of Cole county for Governor, and James Young of Lafayette for Lieutenant-Governor, and placed on the same ticket five candidates for Congress. The "Softs" desired a liberal issue of paper money and were opposed to the return of Mr. Benton to the Senate, his long dominant influence in the State having become irksome to them. They did not nominate a candidate for Governor, but supported Charles H. Allen, an Independent candidate, who was also supported by the Whigs. Edwards was elected by a majority of 5,600 votes, and was inaugurated November 20, 1844. At this election John S. Phelps and Sterling Price were elected to Congress—men destined to become very prominent in State affairs for the next thirty years.

Questions on Chapter VI.

1. What is said of the presidential election in Missouri in 1840? (96)
2. Who were the candidates and what parties did they lead? (96)
3. From what did the Democrats suffer? (97)
4. What had caused these troubles? (97)
5. What is said of Jackson's course toward the banks? (97)
6. What did the Whigs claim this action caused? (97)

CHAPTER VII.

THE ADMINISTRATIONS OF GOVERNORS EDWARDS AND KING.

105. Governor Edwards.—John Cummings Edwards, the eighth Governor of Missouri, was born in Kentucky in 1806, but was reared in Rutherford county, Tennessee, and



JOHN C. EDWARDS.

received a classical education. He was licensed to practice law in Tennessee, and came to Missouri in 1828. In 1830 he was appointed Secretary of State by Governor Miller, and held the office till 1837, and then was a member of the Legislature for one term, in the meantime giving special attention to his farm, of which he was very fond. In 1840 he was elected to Congress, and in 1844 he became Governor and

served till the twenty-seventh of December, 1848. The following May he left Missouri for California, where he died in 1868.

106. Attempts at a New Constitution.—In 1845 sixty-six delegates were chosen to a convention, provided for by the Legislature, to frame a new constitution for the State. They were the strongest and best the State afforded, and were chosen, in many cases, without any regard for their

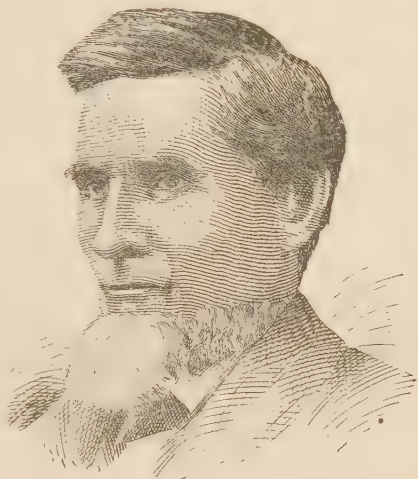
politics. The instrument was drawn up, and voted on at the next election, in 1846. A majority of the votes outside of St. Louis were for it, but in that city so great was the opposition, that it was defeated by 9,000 votes on the entire count. This was largely due to one newspaper, "The New Era," edited by William Campbell, one of the brightest men in the State, who opposed the new Constitution on the ground that it provided that judges of the Supreme and Circuit courts should be elected by the people instead of appointed by the Governor, as the law then required. He brought to bear the whole power of his powerful writing against this change, and succeeded in defeating the new Constitution. But at the very next session of the Legislature the old Constitution was amended, the change providing for an elective judiciary, and this amendment being ratified at the following session it became the law, and thereafter judges were elected by the people.

107. **Texas.**—The annexation of Texas and the acquirement of New Mexico are a part of the history of Missouri. The United States had once a shadowy title to Texas. Under President Monroe it was traded to Spain for the Floridas. The policy of the nation, it mattered not which party was in power, was from that time on to regain it. But from the time Spain acquired it there had been a constant stream of emigrants thither from Missouri. Hence the people of this State were closely connected with those of Texas by ties of blood. "It is probably within bounds to assert that between 1822 and 1836 there were few prominent Missouri families that were not at some time represented in the life of Texas." In 1835 Texas won her independence from Mexico in a predatory war known as the Texas Rebellion, and was largely assisted by Missourians who could not ignore her cry for help, although all the assistance given

was by private citizens, who gave their aid on their own responsibility and not from any authority or consent of the State or Union. But soon after winning her independence Texas desired to become a State. This was at first stoutly opposed, but in 1844 her admission to the Union was made the principal issue in the Presidential campaign. Missouri's interest in the matter was yet strong. She was in favor of the admission of Texas, and so cast her vote against Henry Clay, the most popular candidate the opposition could bring forward, and always a favorite in Missouri. The nation as well declared for her admission, and the matter having been settled by the popular voice, Texas was admitted into the Union in 1845. Mexico had prior thereto warned the United States that such admission would cause her to declare war. Accordingly on April 24, 1846, the Mexican commander on the Texas border notified General Zachary Taylor that he considered hostilities to have begun, and a few days afterwards Congress declared "war existed by the act of Mexico."

108. Doniphan's Expedition.—Many Missourians took part in the Mexican War. A few hundred of them joined the regular army under Taylor and Scott and shared in the honor of capturing the city of Mexico. But so far as the United States was concerned this was by no means as important as the subjugation and acquirement of New Mexico, which was done almost entirely by Missouri volunteers. In the middle of May, 1846, Governor Edwards called for volunteers to join the "Army of the West." Thirteen hundred and fifty-eight men assembled at Fort Leavenworth from the counties of Jackson, Lafayette, Saline, Clay, Franklin, Cole, Howard, and Callaway. A. W. Doniphan of Clay was elected colonel, and because of his prudent wisdom and energy in the campaign, it has usually been called

“Doniphan’s Expedition.” They were joined at Leavenworth by 300 regulars from the United States Army, with 16 pieces of artillery, and the whole force was placed under the command of General Kearney, also a citizen of Missouri. In June they set out over the plains for Santa Fe, 900 miles distant, and reached it in less than



ALEXANDER W. DONIPHAN.

fifty days, having traveled through an uninhabited country and suffered much for water, yet with little loss in men or animals.

109. **Capture of Santa Fe.**—Upon their approach, the Mexican governor abandoned the place as a result of a bribe, and so the Americans took possession “without firing a gun or shedding a drop of blood.” Santa Fe was then the center of the overland trade with Missouri and the distributing point of all trade of northern Mexico. It was the political capital of the country north of the Rio Grande, which hitherto had resisted all attempts at conquest by Texas. The next day after its capture, General Kearney issued a proclamation by which he absolved the people from all allegiance to Mexican authority, and by “one stroke of the pen transformed them into citizens of the United States.” This proclamation was not acknowledged by the President, but he virtually connived at it, and it was upheld by the

sword for two years and then ratified by the treaty of 1848, which ended the Mexican war. General Kearney, with characteristic energy and aggressiveness, caused a constitution and code of laws to be prepared by Doniphan and Willard P. Hall, both lawyers, which changed New Mexico in name and fact from a province of Mexico into a Territory of the United States. He appointed Charles Bent Governor and Francis P. Blair Attorney-General. Both were Missourians. He then set out for the Pacific coast to bring California under like subjugation, leaving Colonel Doniphan in command. The day after his departure Colonel Sterling Price arrived at Santa Fe. He had resigned his seat in Congress and taken the lead of a large force of men and marched to join the "Army of the West," one company having been collected from each of the counties of Boone, Benton, Carroll, Chariton, Linn, Livingston, Monroe, Randolph, Ste. Genevieve and St. Louis.

110. Battle of Bracito.—Leaving Price in charge of the troops at Santa Fe, and having in a short time put down a considerable uprising of the Navajo (pro. Nav-a-ho) Indians, who had long been in hostilities with the people of New Mexico, Doniphan started to Chihauhau (She-waw-waw) 900 miles distant, to join General Wool. A sandy desert, without wood or water, had to be crossed. In three days this was done and the army had running water. They arrived on Christmas day at a little place called Bracito (Bra-se-to). Here they halted and began to collect feed for their horses and water and fuel. Suddenly a superior force of Mexicans darted upon them in full fire. The Missourians quickly formed on foot, held their fire till the Mexicans came within easy range of their guns and after a half hour's fighting drove them from the field, "leaving sixty-three dead and one hundred and fifty wounded."

111. Capture of Chihauhau.—Two days later Doniphan reached El Paso and learned Wool had not taken Chihauhau nor moved toward it. After waiting till the eighth of February for the arrival of some artillery from Santa Fe under Captain Weightman, also a Missourian, he set out again. In three weeks he was within fifteen miles of Chihauhau, 225 miles from El Paso, with 924 effective men and a caravan of 300 traders' wagons which had followed him all the way for protection and trade with the Mexicans. Here Doniphan learned "the enemy was strongly posted on high ground, fortified by entrenchments and well supplied with artillery," consisting of "about 4,000 men, of whom some 1,500 were rancheros badly armed with lassos, lances and cornknives." Despite their superior numbers he determined to attack them. He advanced with seven dismounted companies and three mounted. A charge of these with the aid of two twelve-pound cannon decided the battle. The Mexicans fled. Three hundred of them were killed, three hundred wounded and forty prisoners. The Missourians' loss was one killed and eleven wounded. The Missourians now started for the mouth of the Rio Grande, which they reached the ninth of June, 1847, and the next day embarked for New Orleans and for home.

112. A Pleasing Incident.—After leaving Chihauhau only one incident need be mentioned. This is a pleasing and novel episode. The Mexican people of Parras had shown great kindness to the sick of Wool's army. After he left they had been plundered and threatened by a marauding band of Indians. Although Mexicans they appealed to Doniphan for help, who detached Captain Reid and thirty-five men for the purpose. They severely punished the Indians and recaptured and returned to their parents eighteen Mexican boys and girls. This shows how willing these

Missouri boys were to do an act of humanity to even an enemy in distress.

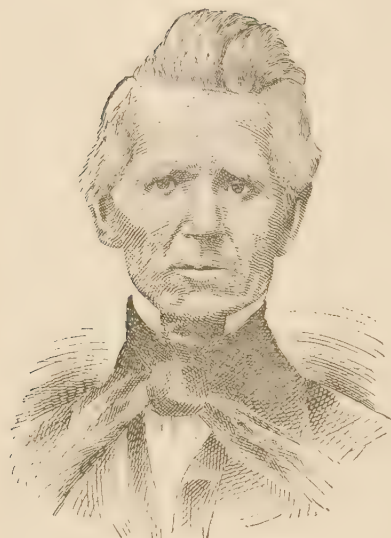
113. Results of the Expedition.—This was the end of “Doniphan’s Expedition.” He had traveled 3,000 miles from Fort Leavenworth to the mouth of the Rio Grande in nine months, with a loss all told of less than fifty men, and had prepared the way for the acquirement by the United States of New Mexico, a tract nearly twice as large as Missouri.

114. Price Around Santa Fe.—We must return to Santa Fe to note what had been going on there. There was a “deadly hostility” toward the Americans; an intrigue was formed, and at an uprising of Mexicans on the nineteenth of January, 1847, Governor Bent had been killed while on a visit to his family at Taos, seventy miles from Santa Fe. Colonel Price set out at once with 350 men and met the Mexicans at Canada, New Mexico. After a short skirmish the Mexicans were driven from their position. They left behind thirty-six dead on the field. Price’s loss was two killed and seven wounded. Price followed on. He was joined by Captain Burgwin with one company, which swelled his number to four hundred and eighty. The enemy had taken refuge in a pueblo near San Fernando de Taos. This place was enclosed with strong walls and pickets. In it were two pyramid-shaped buildings seven or eight stories high, and built of sun-dried brick. Their walls were thick and pierced for rifles. Here the Mexicans successfully defended themselves for two days. Price’s cannon could not make a breach in the stubborn walls of these buildings. He therefore ordered that they be stormed on all sides at once. The soldiers cut their way through the walls with axes, and then brought up their six-pound cannon, by which the “holes were widened into a practicable breach.” The buildings were carried without further resistance and the siege was

ended, with 150 Mexicans killed out of six or seven hundred, and seven of the Missourians killed and forty-five wounded, many of whom died. Fifteen of the prisoners were hanged for treason.

115. New Mexico Won.—Thus ended the revolt. But it began again in a few months. It had all the time been carried on by small bands of marauders, red and white, who robbed passing trading wagons. Soon came the report that a large hostile force was approaching from the South. Price called for additional troops. He was soon at the head of 3,000, nearly all of whom were from Missouri. With this number he found no difficulty in maintaining order and the position he had won. The people of New Mexico in a short time submitted to the situation, and the treaty of 1848 ending the Mexican War, gave sanction to what had been done by Kearney, Doniphan, and Price, and acknowledged that New Mexico had for some time been territory of the United States.

116. Austin A. King.—In 1848 Austin A. King, of Ray county, was put forward by the Democrats for Governor, and James S. Rollins, of Boone, by the Whigs. The Democrats had steadily gained in numbers during the past four years, and although Rollins was one of the most popular and gifted men in the State, King was elected by 15,000 majority out of a total vote of 83,000. Thomas L. Price, a Benton Democrat of Cole county, was elected Lieutenant Governor. With few exceptions the Governors of Missouri have been men of ability, learning and integrity, and Austin A. King may be regarded as the equal of almost any of them. He was moreover an eminently practical man, of fine habits and free from those vices which sometimes beset public men. He was born in Tennessee in 1801, a son of an old



AUSTIN A. KING.

Revolutionary family, and received a good education for his day. He became a learned lawyer, and came to Missouri, first settling in Boone county, and served one term in the Legislature from there. In 1837 he moved to Ray county and was appointed Circuit Judge, and served in that capacity till elected Governor. When the war came on he earnestly, and even bitterly, denounced the

secession movement, and was elected by the Union party to Congress in 1862 and served two years. He died in 1870.

117. Fire in St. Louis.—A destructive fire occurred in May, 1849, among the boats of St. Louis. The steamer *White Cloud* took fire. Twenty-three other boats were soon in flames. The line of conflagration was a mile long. The fire spread to the city and whole blocks were burnt. All the buildings on Front street, from Locust to Market, were swept away. Three million dollars was the value of the property destroyed.

118. The Iowa Line.—In 1849 the Supreme Court of the United States settled the long and sore contest between Iowa and Missouri as to which should own a strip of land twenty miles wide lying between the undisputed territory of each. Missouri claimed the northern border should be a

parallel of latitude which passed through the rapids of the river Des Moines, and Iowa claimed it should be a line which passed through the rapids of the Mississippi twenty miles further south. From 1837 the inhabitants of this strip had voted at Missouri elections. But in 1845 a Missouri sheriff, acting under the order of a Missouri court, had arrested some criminals on this strip, and was himself arrested and convicted by an Iowa Territorial court on the ground that he was exercising authority on Iowa territory. The contention at once took a serious face, and was made the subject of many fiery speeches in the campaigns for several years. Unfriendly and revengeful feelings began to grow between the people of Missouri and Iowa. The matter was quietly and peaceably settled, however, by the United States Supreme Court, and thus the importance of having such a body to settle disputes between the States was shown.

119. The Settlement.—The Indian border line was adopted as the proper dividing line between the two States. It ran almost in the middle of the twenty-mile strip. It had been established in 1816, by John Sullivan, as the northern boundary of Missouri. Sullivan was a United States surveyor, appointed for the purpose of establishing this line. The mistake made in running it was one cause of the trouble, and that mistake has never been corrected and still remains. He began on a meridian one hundred miles north of Kansas City, and, instead of running due east, varied to the north, and at the river Des Moines had varied four miles in that direction. But the United States had by no less than sixteen treaties with the Indians recognized the line he ran as the border of Missouri. Missouri had so regarded it up to 1837, and the court now held that it should forever be the dividing line between the two States. It is perpetually marked by iron and stone posts four feet six inches long, squaring twelve inches at the bottom and eight at the top, and set deep in the

ground every ten miles along the entire border. On the north side of three of these iron posts is the word "Iowa" and on the south side the word "Missouri." By this decision Missouri lost a strip of land ten miles wide on the east and fourteen on the west; and Iowa lost the rest of the twenty-mile strip.

Questions on Chapter VII.

1. Give a sketch of the life of John C. Edwards? (105)
2. What is said about attempts to secure a new constitution? (106)
3. What part of it did Campbell object to? (106)
4. How was this change made afterwards? (106)
5. How did the United States acquire the Floridas? (107)
6. What part did Missourians take in settling Texas? (107)
7. What is said of the Texas Rebellion? (107)
8. And the efforts to make Texas a State? (107)
9. How did the war begin? (107)
10. What part did Missourians take in the Mexican War? (108)
11. Describe Doniphan's Expedition. (108)
12. Describe the capture of Santa Fe. (109)
13. How was Kearney's course regarded by the President? (109)
14. What else did Kearney do? (109)
15. Who now came on the scene? (109)
16. What did Doniphan do? (110)
17. Describe the battle of Bracito. (110)
18. Describe the capture of Chihauhau. (111)
19. What pleasing incident is mentioned? (112)
20. What were some of the results of Doniphan's Expedition? (113)
21. What had been going on at Santa Fe? (114)
22. Describe the capture of San Fernando de Taos. (114)
23. How was New Mexico finally won? (115)
24. What is said of Austin A. King? (116)
25. What destructive fire is mentioned? (117)
26. What is said of the contentions over the Iowa line? (118)
27. How was the issue settled? (118)
28. What were the terms? (119)
29. How is the line marked? (119)
30. What did Missouri gain and lose by this decision? (119)

Topical Outline of Chapter VII.

- | | | | | |
|---|---|------------------------------------|-------------------------------------|---------------------------------|
| ADMINISTRATIONS OF
EDWARDS AND KING. | { | 1. John C. Edwards. | | |
| | | 2. Attempts at a New Constitution. | | |
| | | 3. Annexation of Texas. | | |
| | { | { | 4. Doniphan's Expedition. | 1. Troops. |
| | | | | 2. Capture of Santa Fe. |
| | | | | 3. Code of Laws for New Mexico. |
| | | | | 4. Battle of Bracito |
| | | | | 5. Capture of Chihauhau. |
| | | | | 6. A Pleasing Incident. |
| | | | | 7. Results. |
| { | { | 5. Price in New Mexico. | 1. Skirmish at Canada. | |
| | | | 2. Capture of San Fernando de Taos. | |
| | | | 3. New Mexico Won. | |
| | | 6. Austin A. King. | | |
| | | 7. Steamboat Fire. | | |
| | | 8. Settlement of Iowa Line. | | |

CHAPTER VIII.

BENTON AND THE JACKSON RESOLUTIONS.

120. **Contentions Over Slavery.**—The slavery question again stirred the State. It grew out of the acquisition, by the nation, of California and New Mexico. All of the last and part of the first lay south of parallel thirty-six degrees and thirty minutes, agreed upon by Congress as the line north of which slavery was not to exist. But African slavery had never existed in New Mexico. When it therefore became territory of the United States, the North contended that slavery must not be introduced there. It was the desire of the South that it should. A large portion of the people of Missouri held that the proper way to settle the matter was for Congress not to interfere at all, but to let the inhabitants of the territory determine for themselves whether they wished slavery or not within their bounds. By way of giving expression to this view a series of propositions known as the

"Jackson Resolutions" were passed by the Legislature in January, 1849. They were so called because Claiborne F. Jackson of Howard county, afterward Governor of the State, was chairman of the committee which reported them to the Senate, though they were written, it is said, by Judge W. B. Napton, a member of the Supreme Court from the county of Saline.

121. The Jackson Resolutions. — The Jackson Resolutions were passed by a vote of about twenty-four to seven in the Senate and sixty to twenty-two in the House, the Democrats generally voting for them and the Whigs against. The resolutions were six in number. Only the salient points of each are here given. The first contended that the Constitution gave Congress no power to legislate on the subject of slavery; the second, that the territories ought to be governed for the benefit of the people of all the States and that under the Constitution no laws could exclude the citizens of any part of the Union from moving to such territories with their property; the third, that the General Assembly regarded the conduct of the Northern States as releasing the slave-holding States from all further adherence to the Missouri Compromise, but for the sake of harmony and the preservation of the Federal Union, they would agree to the application of the principles of that compromise to these territories; the fourth, that the right to prohibit slavery in any territory belongs exclusively to the people thereof; the fifth, that if Congress passed any act in conflict with these principles, Missouri will cooperate with "the slave-holding States for our mutual protection against the encroachments of northern fanaticism." The sixth resolution instructed Messrs. Benton and Atchison, Missouri's United States Senators, to act in conformity with these resolutions. Atchison did so, but Benton refused, and appealed to the

people for indorsement. He claimed slavery was an "incurable evil" and therefore it ought not to be extended.

122. The Opposite View.—The claim was admitted by many of the men who voted for the resolutions, but they yet held that the people of the Territory ought to determine for themselves whether slavery should exist in their midst; that it was not a question whether slavery was right or wrong, but of non-interference by Congress. They said the people of the slave-holding States had a right, under the Constitution, which guaranteed freedom of commerce between the States, to go into any of the Territories they had helped to acquire, taking their slaves with them if they so desired, upon the same footing as that upon which people of the North were permitted to move into the same Territory with their horses or other personal property. It was by no means certain that all the Territories would desire to become slave States. Some would not. Mr. Benton had always been quietly opposed to slavery, but he could have accepted this view of non-interference without surrendering his convictions in regard to it. It was afterwards, in 1857, accepted by the Supreme Court of the United States, the final authority on all such questions.

123. Benton's Position.—But Mr. Benton was not a man of compromises. He welcomed friction, and gloried in the prospect of overcoming his enemies. He was possessed with superb courage, physical and moral, and an imperious will. He ignored and brushed aside the views of the supporters of the Jackson Resolutions. He had no conciliation to make. He had always been ardently devoted to the Union. In this ardor and his own imperious domination, he mistook the views and purposes of those of his own party who differed from him. He had been a devoted follower of Andrew Jackson, and gave great support to that man of iron

in his endeavors to humiliate, break down, and punish Mr. Calhoun, against whom Jackson had a deep personal grievance. Benton could see nothing in the Jackson Resolutions but a reiteration of Calhoun's nullification doctrines. He



THOMAS H. BENTON.

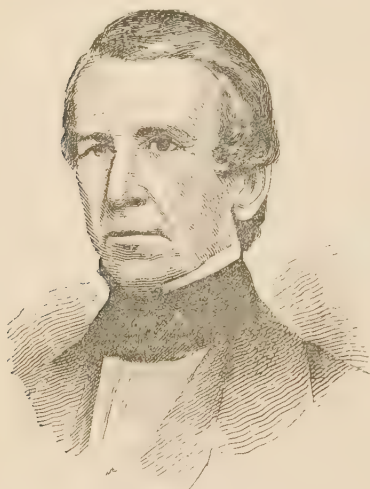
thought they meant disunion and secession. Perhaps he was honest in this view. His ardor for the Union and his devotion to Andrew Jackson and his dislike for Calhoun perhaps led him to enlarge their import and grounded him in his

belief. Yet the friends of the Resolutions did not so regard them. Many of those who strongly supported them were a few years later loyal supporters of the Union cause. Benton had given the Resolutions a meaning which few or none of those voting for them believed was the proper inference. He appealed to the people to stand to his interpretation. He made a tremendous struggle to be sustained, and spoke with incisive invective against his opponents in every part of the State. Strong men of the Democratic party opposed him. The Whigs took no part in the contest.

124. Benton's Downfall.—When the General Assembly met Benton was defeated, the opposing Democrats voting with the Whigs and thus elected Henry S. Geyer of St. Louis to the United States Senate. Mr. Benton had been the political leader and autocrat of the State for thirty years. But from this time on his power was broken. He represented St. Louis one term in Congress, from 1853-55, but was then defeated by Luther M. Kennett, a Know Nothing. In 1856 he was a feeble candidate for Governor on his own personal strength as an independent candidate, but was defeated. Had he not tried to make the Jackson Resolutions mean something which the great body of the people did not intend them to mean, he might have held his seat in the Senate till his death. After his defeat the Democratic party committed itself to non-interference by Congress in questions of slavery in new Territories, and there was political peace for a few years till the breaking out of fresh trouble in Kansas.

125. Biography of Geyer.—Henry S. Geyer, who succeeded Mr. Benton in the Senate, was born in Maryland, came to Missouri about 1815, was a member of the Convention in 1820 which framed the Constitution, was a member

of the Legislature for several terms, and Speaker of the House for the first five years after the admission of Missouri into the Union. No man of the early days did more to systematize Missouri's laws. He was regarded as the ablest



HENRY S. GEYER.

lawyer of the State prior to the Civil War, and in his practice before the United States Supreme Court came in contact with Daniel Webster, Reverdy Johnson, and other men of great fame and was a match for any of them. He made an argument and won the decision in the famous Dred Scott case, which attracted attention throughout half the enlightened world. But as a statesman he was a great disappointment. He made no brilliant record in

the Senate, and this became all the more apparent from the fact that he was the only avowed Whig ever elected to that body from Missouri. He died in 1859 at the age of sixty-one.

126. Internal Improvements.—In the meantime the State had, for the first time since its organization, committed itself to a liberal policy of internal improvements. As early as 1836 charters had been granted to private companies to construct better wagon roads. Commercial centers had sprung up far from the navigable rivers. Freightling to them had been done almost exclusively by ox-wagons. Plank or macadam roads were now constructed. This gradually called into use wagons and other vehicles drawn by horses. No

State aid had been given to any of these improvements. But in 1849 the General Assembly—the same one which passed the Jackson Resolutions—found the State out of debt and her revenue largely increasing, and a popular demand for State aid to railroads. In February the construction of the Missouri Pacific railway from St. Louis to the western border of the State was authorized. The survey was soon made, and construction began in July, 1850. Other railroads were then rapidly projected.

127. The Doors Open.—The doors of the public treasury had been opened to the Missouri Pacific. Other roads claimed an equal right to favoritism. There was no stopping place now. In quick succession aid was given to the St. Louis & San Francisco (the “Frisco”), the Iron Mountain, the Wabash, the Hannibal & St. Joseph, and other railroads. In eight years these roads received from the State its bonds to the amount of twenty-three million dollars, which they were allowed to sell for cash, but the interest of which the roads agreed to pay. In this most of them failed, and hence the State had to pay the interest. Besides this immense sum of about twenty million dollars, the debt was in a few years augmented by the great debt caused by the Civil War. But for most of the war debt the State was reimbursed by the United States Government. In 1865 the entire debt was thirty-six millions. In 1872, the first year all the citizens were again allowed to vote, it amounted to over twenty-one millions, and in 1897 to about six millions.

Questions on Chapter VIII.

1. What troublesome question again arose when California and New Mexico had been acquired? (120)
2. What was the attitude of the North? (120)
3. What was Missouri's contention? (120)
4. In what way did they give expression to their views? (120)
5. Name the salient points of the Jackson Resolutions. (121)

6. How did Benton and Atchison regard them? (121)
7. What argument was made for the Resolutions? (122)
8. What was Benton's attitude? (123)
9. What is said of the struggle? (123)
10. What was the result? (124)
11. What attitude did the Democratic party now assume? (124)
12. What is said of Geyer? (125)
13. What is said of internal improvements? (126)
14. What now followed? (127)
15. What is the State debt now? (127)

Topical Outline of Chapter VIII.

BENTON AND THE JACKSON RESO- LUTIONS.	{	1. Contentions over Slavery.
		2. Jackson Resolutions.
		3. Attitude of their Supporters.
		4. Benton's Attitude Toward Them.
		5. The Struggle in the State.
		6. The Results.
		7. Henry S. Geyer.
		8. Internal Improvements.
		9. Debts.

CHAPTER IX.

FROM 1852 TO 1860.

128. The Election.—At the election of 1852 Sterling Price, of Chariton county, was put forward by the Democratic party for Governor. The Whigs nominated James Winston, of Benton county, who was a grandson of the great Patrick Henry, and a man of many marked characteristics. He was a natural orator and distinguished for his brilliant conversations, but was awkward and clumsy. He was a great walker and made his canvass of the State on foot. He was the best natured of men, and did not give himself a moment's concern when the returns announced that Price had been elected by a majority of nearly fourteen thousand votes. Wilson Brown, of Cape Girardeau, was elected Lieutenant-Governor. The new Governor was inaugurated the first Tuesday in January, 1853, and the Legislature for many weeks was stirred by animated discussions of the famous Jackson Resolutions which had been passed by the previous session of the General Assembly.

129. Sterling Price.—Sterling Price was born in Virginia in 1809, educated at Hampden-Sidney college, and came to Missouri with his father in 1831, first settling at Fayette, and two years later at Keytesville, in Chariton county, where he engaged in merchandising and keeping hotel for two years, and then settled on a large farm eight miles south of that town and engaged in agricultural pursuits till 1861. In 1840 he was elected to the Legislature and was chosen Speaker, and in 1842 was re-elected to both positions.



GENERAL STERLING PRICE.

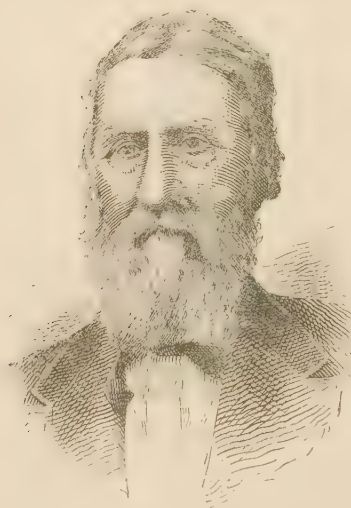
In 1844 he was elected to Congress. When the Mexican War broke out he resigned and was commissioned by President Polk to raise and command a regiment, and before the war closed rose to the rank of Brigadier-General. In 1852 he was elected Governor as an anti-Benton Democrat, and

made the State a faithful, safe, and wise chief magistrate. During his term he urged the Legislature to pass a law increasing the salary of the Governor, for the benefit of his successor. The Legislature provided for the increase to begin at once. Governor Price refused to accept the additional salary, and it was never afterwards claimed by him. In 1860 he supported Stephen A. Douglas for the Presidency, and was elected to the convention which declared Missouri would not secede and was made its chairman. After the capture of Camp Jackson by the Union troops, he accepted from Governor Jackson the appointment of Major-General of the State troops, and in May, 1862, joined the Confederacy and fought for it till it was vanquished. The brilliant qualities which he exhibited in so many ways during that war so endeared him to the people of the South, that with the exception of Lee and Jackson, no man among all their cherished heroes is remembered with more ardent and sincere affection. After the war he returned to St. Louis and engaged in the business of a commission merchant, and died there in 1867.

130. **Railroad Disaster.**—The Gasconade railroad disaster occurred on November 1, 1855. The Missouri Pacific Railroad, the first built within the State, had been completed from St. Louis to Jefferson City, and it was proposed to celebrate the occasion by a noted excursion to the State capital. The train consisted of nine crowded cars, and some of the most prominent men in the State were on board. The bridge across the Gasconade river had been completed with the exception of one span. In place of this, strong temporary scaffolding had been erected, and the inspectors pronounced it strong enough to carry the train across in safety. That was a sad mistake. In the midst of a great storm, while the thunders pealed and the lightnings flashed, it gave way under the weight of the engine, several cars went down,

forty-three persons were killed outright, and a much larger number badly wounded.

131. The Election of Polk.—At the election in 1856 the Democratic candidate for Governor was Trusten Polk of St. Louis. Robert C. Ewing was the American candidate and Thomas H. Benton was an independent candidate.



DAVID R. ATCHISON.

Polk was elected. He received 47,000 votes, Ewing 40,500, and Benton 27,600. The election of United States Senator enlisted more than ordinary interest. Two years before the Legislature had balloted for days, trying to elect a successor to David R. Atchison. It had failed to do so and for two years Missouri had only one Senator, Henry S. Geyer. But in 1857 James S. Green was elected to serve till 1861, and Trusten Polk to serve till 1863. Polk within a few months resigned as

Governor, and Hancock Jackson, the Lieutenant-Governor, served till the special election in August, when Robert M. Stewart was chosen over James S. Rollins.

132. Trusten Polk.—Trusten Polk was born in Delaware in 1811, graduated at Yale College in 1831, and came to Missouri in 1835, settling in St. Louis, where he took the highest rank as a lawyer and citizen. No man in the State was more popular with the younger members of the bar, none

more respected by the people. He was a man of the cleanest habits, of great candor and sincerity. In 1843 he was city Counselor of St. Louis and in 1856 was elected Governor, and within a few months to the United States Senate. He made a useful Senator, being very attentive to the interests of his constituents. Early in the war he was expelled from the Senate by the Republican members on a charge of disloyalty. He died in St.

Louis in 1876. His public services after the war were given to his church and to upbuilding the educational interests of the State.



TRUSTEN POLK.

133. **James S. Green.**—James S. Green was born in Virginia in 1817, and was educated at the common-field schools of that State. He came to Missouri in 1837, settled in Lewis county, and a few years later was admitted to the bar. He was a member of the constitutional convention of 1845, and at once measured arms with the ablest members in forensic debate. In 1846 and 1848 he was elected to Congress, and again in 1856, but before he took his seat was chosen United States Senator by the Legislature. He was a strong believer in State rights, and his arraignment of Benton before the people of Missouri in 1849, when but thirty-two years of age, was one of the most aggressive

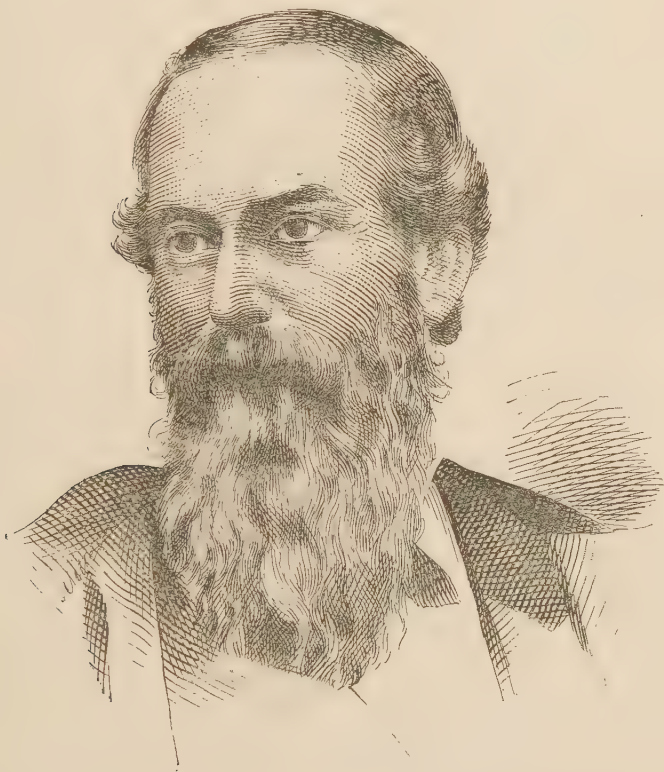


JAMES S. GREEN.

and most successful warfares in political annals. He was a very strong debater. In the Senate he had peers but no master. He was the one man of all the members of that body that Stephen A. Douglas most disliked to meet. He was expelled from the Senate early in 1861 for secession utterances. This ended his public career.

134. James S. Rollins.—James S. Rollins was born in 1812. His ancestry was of Irish and Virginia stock. His father was a man of wealth, and he received a thorough classical education. To him is largely due the educational system of Missouri. He is properly called the Father of the State University, and his efforts aided the public school system and secured the normal schools, the agricultural college, the school of mines, and two of the lunatic asylums. He did much also toward building up the great railroad systems in the State. He came to Missouri in 1830 and spent a year on his father's farm, who had settled near Columbia, which place was Mr. Rollins' home till his death. He became a lawyer and practiced with distinction. He became a member of the Legislature at the age of twenty-six as a Whig. He was again elected in 1840, 1846, 1854, 1866, and 1868, at least half of the time as a member of the Senate. The first bill he ever wrote was one providing for the establishment of the University, and the first speech he made in the

Capitol was in support of this bill. It became a law in 1838. In 1848 he was the Whig nominee for Governor against Austin King, and made a splendid canvass of the State in which he pleaded for general public education and internal



JAMES S. ROLLINS.

improvements, and was defeated by 15,000 majority for King. He was again the Whig candidate for Governor in 1857, against Robert M. Stewart, when there were no other officers to be elected, this election being to fill a vacancy

caused by the resignation of Governor Polk, who had been elected United States Senator. Stewart was elected by 231 majority. When the threatenings of dire war came on he was for the Union, but did not declare himself as unconditionally so until after the clouds of war had burst. He was elected to Congress in 1860 against John B. Henderson (Democrat), by about 275 majority and again elected in 1862 by a majority of over 5,000. In that body he boldly espoused the Union cause, and although a large slave-holder, ably supported and voted for the Thirteenth Amendment to the Constitution abolishing slavery. In 1862 he introduced the bill providing for the Pacific railroad from the Missouri river to the Pacific coast. It became a law. In 1872 Mr. Rollins was before the Democratic convention as a candidate for Governor, but was finally defeated by Silas Woodson. He died in 1889, full of honors and years. He was one of the ablest and most polished speakers in the State, and his speeches always abounded with the steadfastest patriotism.

135. Robert Stewart.—Robert Morris Stewart came from New York, where he was born in 1815, and received a good education. He taught school when he was seventeen and until he was twenty, moved to Kentucky, studied law, was admitted to the bar at Louisville, came to Missouri in 1839, in a few years settled in St. Joseph and practiced law. In 1845 he was elected to the State Constitutional convention and soon gained a well-deserved reputation as a debater. From 1846 to 1857 he was a member of the State Senate. In 1857 when Governor Polk resigned, he was elected as a Democrat and made an excellent officer. When the question of secession was submitted to the people, he was elected a delegate to the convention which was to finally decide the matter, as a Conditional Union man, but soon ardently and unconditionally supported the Union, but not as an

Abolitionist, for he was always opposed to abolition, but as an opponent to secession and a steadfast adherent to the Government his fathers had established. In 1848 he projected and surveyed at his own expense the Hannibal and St. Joseph railroad, and obtained from Congress a grant of land which insured the building of the road. After his retirement as Governor, he was editor of the *St. Joseph Journal* till his

health failed him. He was much afflicted, but of indomitable energy, and much of the surveys of this railroad was superintended by him while hobbling about on crutches. His decided stand against secession, when so much seemed to depend on the action of Missouri, helped to save the State to the Union, and made his action one of national consideration. He was never married, was a man of free-and-easy habits, and died in 1871.



ROBERT M. STEWART.

136. **Kansas Troubles.**—Sectional contention would not cease. In 1854 it arose afresh when a bill passed Congress organizing Kansas into a Territory. The Missouri Compromise had been repealed by that bill. The Compromise was the first effort made by Congress to interfere with the local institutions or affairs of a State. It can not be wondered at then that all of Missouri's representatives in

Congress were in favor of its repeal. But other States saw the injustice of such distinctions. The bill for the repeal passed overwhelmingly, and declared in favor of letting the inhabitants of any new Territory determine for themselves whether they wished slavery therein. By this privilege the people of Kansas could decide for themselves in favor of slavery or against it. This was the same doctrine as the fourth of the Jackson Resolutions. (See section 121.)

137. A Contest Between North and South.—Both North and South wished to be triumphant in Kansas. The struggle is important as a part of the history of each, and especially of Missouri, because it was the last peaceful contest for political supremacy by each before final appeal to arms, and on the part of the South Missouri was the chief representative, while Massachusetts was the most enthusiastic actor among the northern States. Long before the Kansas bill became a law it was generally supposed that Congress would pass it. To therefore gain a majority of the people of Kansas to declare against slavery, Emigration Aid Companies and “Kansas Societies, Leagues, and Committees” were organized in Massachusetts and throughout the North, which sent out men to Kansas to be ready to vote. These companies practically sent out men only. As many as 223 men to five women were in one company. A United States marshal who searched this company found no agricultural implements but many guns, revolvers and ammunition. All the companies were not as this one, but there were few actual settlers. By such a course it became evident that Kansas would become a free State. Nearly three thousand immigrants, mostly from Missouri, in search of new lands and wide range for their stock, had settled within this new Territory. They cared but little for slavery themselves. But when they saw the purposes and results of the Emigrant

Aid Companies they were constrained to do what they could to defeat those purposes.

138. Blue Lodges.—Counter Aid Societies were formed in Missouri. They were known as Blue Lodges. Their objects were the same as those of the Emigrant Aid Companies. Neither were right. But the Missourians thought themselves far less to blame for aiding in the formation of a new State adjoining their border and so far inhabited, in the main, by their own kinsmen than were people of a State a thousand miles away. Besides, the Blue Lodges were formed as a result of, and as a counter-balance to, the Emigrant Aid Companies. Just how many pretended settlers were sent out by either of these societies will never be known. Much illegal voting was done on both sides in the ensuing years, and a terrible guerrilla warfare was the result. The political rights of these “settlers” came to be known as “squatter sovereignty.” At the election in November, 1854, a pro-slavery delegate was elected to Congress. The opposition charged that the Missourians had elected him by fraud. But they did not contest the legality of his election and he was allowed to take his seat.

139. Fraudulent Voting.—An election of the members of the Territorial Legislature which Congress had provided for was held in March, 1855. The pro-slavery party, or the “Missourians,” as it was called, was successful. In February previous a census showed an entire population of 8,601, and 2,905 voters, of whom a large majority were from slave States. There were 6,307 votes cast. The eastern immigrants charged that 5,000 Missourians had crossed over into Kansas Territory and voted. The pro-slavery men charged that a company of northern immigrants had arrived at Lawrence on the day of the election and voted notwithstanding such a short stay. Undoubtedly there was much

illegal voting on both sides and the evidence seems to be strong, though not conclusive, that the Missourians were the chief sinners. The election of six pro-slavery members was contested, and the contest sustained, the Governor giving the certificates of election to the opposing anti-slavery candidates. He also took it upon himself, when there were no contests, to refuse certificates to two other members who had been elected by illegal votes. But after these attempts at righting the matter the anti-slavery men were still dissatisfied, and persisted in their course.

140. General Lawlessness.—They refused to acknowledge the authority of this Territorial Legislature, or to be obedient to laws it passed. They disregarded its laws whenever they chose and resisted arrest whenever they were brought to account for so doing. Then began the active trouble. The grand jury made some indictments, and the sheriff attempted to arrest the offenders. They resisted, and the anti-slavery leaders, by speeches, through their papers and in many ways, urged them to do so. The sheriff ordered by-standers to assist him in making the arrests. The offenders would then be joined by anti-slavery sympathizers. These contending factions soon learned to rob each other, burn each others houses and destroy other property. From these differences in Kansas sprang many kinds of lawless and political crimes, and finally a civil war between the rival factions which did not end till the final establishment of the anti-slavery party in 1859.

141. John Brown.—During these disturbances John Brown inaugurated a system of murder for opinion's sake and in the dead of night put to death five peaceable settlers whom he had never before seen, whose only crime was that they differed with him in regard to slavery. For this crime he went unpunished. Such a course soon brought into

activity a set of robbers and marauders who were described as "Jayhawkers." The counties in Missouri adjoining Kansas now began to suffer. Their inhabitants had much more property to lose than those of Kansas because they were older settlers. These marauders were not slow to learn this fact. They cared as little for Missouri law as for Kansas authority. They came into these counties and took whatever they could. One of these raids was headed by John Brown, and was made in December 1858. He took away eleven slaves. A slave owner was also killed whose only offense seems to have been an objection to the way in which he was dispossessed of his property. This raid was made soon after the Governors of the two States had attempted to bring about reconciliation. There were other raids also, in which "peaceable and law-abiding citizens" were subjected to outrages, insults and lawless violence. The General Assembly of Missouri appropriated thirty thousand dollars to be used by Governor Stewart as he thought best. Three thousand dollars were offered as a reward for John Brown. He nevertheless succeeded in conducting the negroes into Canada and then sold his stolen horses in Ohio. All his raids in Missouri were marked by blood. Yet he was received in many parts of the North, not as a monomaniac or a fugitive from law, but as a popular hero. The General Assembly of Missouri at the time it appropriated the thirty thousand dollars for the suppression of these raids declared it did "not doubt that at least ninety-nine out of every hundred of the citizens of Kansas deplore the events under consideration." The efforts put forth by the Legislature, the Governors of Missouri and Kansas, and the officers of the United States Army, partially quieted the troubles, and the guerrilla warfare ceased for two years.

142. Montgomery's Raid.—But in 1860 it began again. This time the Jayhawkers were led by the desperate

James Montgomery. They broke up a United States Court and compelled the judge and its officers to flee for their lives. They also killed a citizen of Missouri named Samuel Hindes. Their charge against him was that he was in search of runaway slaves. Congress had some time before this passed the Fugitive Slave Law, by which any slave owner was permitted to pursue a fugitive slave into a free State, recover him and return to his home. It was while Hindes was in search of a fugitive slave in Kansas that Montgomery established himself at Fort Scott, a town just over the Missouri border, whence he declared he intended to "clean out southern Missouri of its slaves."

143. Excitement.—The people of Missouri became very much excited at these threats. Exaggerated reports were brought to Governor Stewart that Montgomery had begun to lay waste the country and that "citizens of Missouri on the Osage and in Bates and Vernon, are flying from their homes into the interior." Brigadier-General D. M. Frost was ordered to proceed to the border with enough men to end the difficulty. He reached it in November 1860, with six hundred and fifty troops, but found General Harney of the United States Army had preceded him. Montgomery, at the advance of these forces, disbanded his Jayhawkers and fled. Frost in his report to Governor Stewart said Hindes' "only crime was that he had been faithful to the laws and institutions of his State." He also says the "deserted and charred remains of once happy homes" were general.

144. Jayhawking now ceased as such, but it did not actually cease. It did not cease during the first two or three years of the Civil War, nor indeed so long as there was left anything along the Missouri border for the "Jayhawkers" to steal or anybody to rob. But they now came with United States commissions in their pockets under "which guise they

carried on a system of robbery and murder which left a good portion of the frontier of southwest Missouri an entire waste.”

145. General Progress.—The progress in wealth and population from 1850 to 1860 was enormous, notwithstanding the predatory disturbances on the Kansas border. The population had increased from 682,000 to 1,182,000, a net increase of a half million, and an increase in percentage of seventy-three for the ten years. Of this number 115,000 were slaves. Their increase had been 27,000, or thirty per cent. Of all the population 160,000, or one seventh were foreign born in 1860. Of these 88,000 were German, and 43,000 were Irish. The revolutions in Germany in 1849 had caused many of its inhabitants to seek safety in Missouri. This explains the large immigration of Germans during this decade. The failure of the potato crop in Ireland in 1846-47 will also explain the large immigration from that country. These new immigrants turned their attention mostly to farming, especially the Germans, and became useful and prosperous citizens. Missouri had risen in these ten years from the rank of thirteenth to eighth in the number of her population and was now the first of the Southern States.

146. Missouri's Financial Prosperity was not behind the increase in population. The assessed value of her property had risen from one hundred and thirty-seven million dollars in 1850 to five hundred and one million in 1860, an increase of two hundred and sixty-five per cent. The property consisted mostly in farms and agricultural wealth. The manufactured products were estimated at forty million dollars in 1860 and the capital invested in factories was twenty millions. But much wealth was made known during this decade. By a system of surveys it

became known that one fifth of the State is underlaid with workable beds of coal; that there are "more than a thousand valuable veins of lead and half as many of iron, besides many of zinc, copper, hydraulic lime-stone and other minerals. The new immigrants had also shown that much of the country south of the Osage river, heretofore regarded as worthless, was very valuable for grapes and other fruits."

Questions on Chapter IX.

1. Who was elected Governor in 1852? (128)
2. To what party did he belong? (128)
3. Who was the Whig candidate? (128)
4. From what great orator was he descended? (128)
5. What is said of him? (128)
6. Give a sketch of the life of Sterling Price. (129)
7. Describe the Gasconade railroad disaster. (130)
8. Who were the candidates for Governor in 1856? (131)
9. Who was elected? (131)
10. Why was a special election necessary? (131)
11. Who was elected? (131)
12. Who was acting Governor in the interim? (131)
13. Give a sketch of the life of Trusten Polk. (132)
14. What is said of James S. Green? (133)
15. What is said of James S. Rollins? (134)
16. Give a sketch of the life of Robert M. Stewart. (135)
17. What was the occasion of new sectional troubles? (136)
18. What was necessary before Kansas could decide to have slavery? (136)
19. Why? (136)
20. Between what was the contest in Kansas? (137)
21. Describe the Emigration Societies. (137)
22. What counter aid societies were formed in Missouri? (138)
23. What have you to say of these organizations? (138)
24. What was the result in Kansas? (138)
25. What about the election in 1855? (139)
26. Who seem to have been the chief sinners in the election of 1855? (139)
27. Give some incidents of the general lawlessness that followed these fraudulent votings. (140)

28. What is said of John Brown? (141)
29. What other raids were there? (141)
30. What action did Missouri take to stop them? (141)
31. What did the Missouri Legislature say about the troubles?
(141)
32. What was the result at pacification? (141)
33. What is said of Montgomery's raid? (142)
34. What reports reached the Governor? (143)
35. What did Frost report that he found? (143)
36. What is said of Missouri's progress from 1850 to 1860?
(145)
37. How about her financial progress? (146)

Topical Outline of Chapter IX.

- | | | | |
|--------------------|---|-------------------------|--|
| FROM 1852 TO 1860. | { | 1. Elections of 1852. | |
| | | 2. Sterling Price. | |
| | | 3. Gasconade Disaster. | |
| | | 4. Election of 1856. | |
| | | 5. Trusten Polk. | |
| | | 6. James S. Green. | |
| | | 7. James S. Rollins. | |
| | | 8. Robert M. Stewart. | |
| | { | 9. Kansas Troubles. | <div style="display: inline-block; vertical-align: middle;"> <div style="font-size: 4em; padding-right: 5px;">{</div> <ol style="list-style-type: none"> 1. Repeal of Missouri Compromise. 2. Emigration Societies. 3. Blue Lodges. 4. Territorial Elections of 1855. 5. General Lawlessness. 6. John Brown. 7. Jayhawkers and Raids. 8. Temporary Peace. </div> |
| | | 10. General Prosperity. | |

CHAPTER X.

THE ELECTION OF 1860.

147. The New Republican Party.—From the time John Quincy Adams became President in 1825 up to the election of 1852 there had been two leading political parties, the Democratic and the Whig. While the Whig party had among its members many of the ablest men of the nation yet it had never been successful at the polls, except in the election of Harrison in 1840 and of Taylor in 1848. But in most of the free States many Whigs and Democrats had for some years been forming anti-slavery societies and the cause of the restriction of slavery was stirring the people. The troubles in Kansas and the debates in Congress on the subject had given new force to this cause, so that after the election in 1852, at which the Democrats elected Franklin Pierce to be President, the Whig party went out of existence and a new party wholly devoted to opposing the extension of slavery was formed. It in time took the name of Republican. In 1856 its candidate for the Presidency was John C. Fremont, a son-in-law of Thomas H. Benton. He received 114 of the 296 electoral votes, and hence the new party had great hopes of success in 1860.

148. The Situation.—Public feeling was now at unrest and deeply disturbed. The agitation of abolition had stirred the people as nothing else had ever done. A large class of people in the North were determined to destroy slavery at any cost. Many people in the South felt that the only way to preserve their own peace and property was to quietly withdraw from the Union. Others believed it wisdom to remain in the Union and there settle their troubles. It seems strange now that any civilized people who had

established and for seventy years lived under a republic of popular sovereignty, could have wished to perpetuate slavery. But there were mitigating circumstances. Slavery had originally existed in all the Colonies. When it became unprofitable in the North the slaves were sold into the South where it was profitable. Many of the now slave-owners had inherited it from their fathers and not sought it. Slaves were valuable property. Men have, in every civilized country, been slow to give up valuable property without resistance. Besides it was difficult to know what to do with the slaves if they were freed. Many persons feared the consequences if millions of ignorant people should be turned loose, penniless, among their old owners. Beyond this, it can be said in all truthfulness that slavery had been a benefit to the slaves themselves. They had been taken from savage and barbarous races in Africa, and the discipline of slavery in America had taught them many of the habits of civilization. They had learned how to work, which always exalts a people; had learned the arts of peace and frugal honesty. But slavery had been no benefit to the white people of the South, and a better reason for its extinction was the desire of the slaves themselves to be free.

149. The Fugitive Slave Law and Nullification.

The Fugitive Slave Law did much to aggravate the contentions and troubles between the North and South. It had been passed by Congress a few years before and gave to each slave-owner the right to pursue a runaway slave into any State and retake him without any verdict from a court declaring who was his rightful owner. All the claimant had to do was to exhibit to a marshal or sheriff, a certificate from a county clerk describing the slave. The officer was then required to put the slave into his peaceable possession. This law the United States Supreme Court said did not violate the Constitution. The decision gave great offense to the

North. At least fourteen Northern States by their Legislatures soon passed laws nullifying the Fugitive Slave Law by making it a crime for any sheriff to obey it, and by forbidding any State officer to aid in enforcing it. Their course made it impossible to enforce this law of Congress. The Southern States then argued if fourteen Northern States could thus nullify a law of the Union that they could withdraw from that Union. In the Presidential campaign of 1860 the Breckenridge party in the South declared if the Republican party were successful at the polls the Southern States would withdraw from the Union. When it did succeed they proceeded at once to carry out that threat.

150. The Election.—The Democratic party in 1860 divided into two factions. One part, known as the State-rights men, nominated John C. Breckenridge of Kentucky for President. The other part, which was opposed to secession and to the interference of the national Government with the local affairs and institutions of any State, nominated Stephen A. Douglas of Illinois. The remnant of the old Whig and Know Nothing parties, now known as Constitution-Union men, nominated John Bell of Tennessee for President and Edward Everett of Massachusetts for Vice-President. The Republicans nominated Abraham Lincoln. The contest in Missouri was warm and intense, but not violent. The State was carried by Mr. Douglas, which was the only State, except New Jersey, that gave him its electoral vote. Mr. Lincoln was elected. The number of votes for Douglas in Missouri was 58,801, for Bell 58,372, for Breckenridge 31,317, for Lincoln 17,028. Nearly all those voting for Lincoln were Germans. Of those who voted for Breckenridge, not half were in favor of secession. Many of them had come from the South, and in the intense excitement of the time their sympathies naturally enlisted them with the Southern Rights men who carried every Southern State.

Besides most of them, perhaps all, opposed the interference by Congress with the reserved rights of the States, but did not wish to carry this opposition to the extreme of secession.

151. **The State Ticket.**—On the State ticket the Democrats did not divide. Their candidate was Claiborne F. Jackson of Saline county, who was a Douglass Democrat and who received 74,446 votes. Sample Orr, an "American" or "Know Nothing," received 64,583 votes. The Breckenridge candidate was Hancock Jackson, who received 11,415 votes. James Gardenhire was the Republican candidate; he received only 6,135 votes. Mr. Jackson was elected.

Questions on Chapter X.

1. What is said of the Whig party? (147)
2. What were now being formed? (147)
3. What became of the Whig party? (147)
4. What is said of John C. Fremont? (147)
5. What is said of public feeling? (148)
6. What was the attitude of many people in the North toward slavery? (148)
7. How did the Southern people feel about it? (148)
8. What is said about the existence of slavery. (148)
9. What is said about its benefits to the slaves? (148)
10. What was the best reason for the extinction of slavery? (148)
11. What is said of the Fugitive Slave Law? (149)
12. How had the North nullified it? (149)
13. What did the South argue from this? (149)
14. How did the Democratic party divide in 1860? (150)
15. Who were the four candidates for President and of what parties? (150)
16. Approximate the vote of each in Missouri? (150)
17. How about the State ticket? (151)

Topical Outline of Chapter X.

- THE ELECTION OF 1860.
1. The New Republican Party.
 2. General Unrest.
 3. Slavery. { 1. Its Benefits.
2. Reasons for Its Extinction.
 4. The Fugitive Slave Law. { 1. Held Constitutional.
2. Its Nullification.
3. Argument of the South.
 5. The Election of 1860. { 1. National Ticket.
2. State Ticket.

CHAPTER XI.

THE FIRST MONTHS OF 1861.

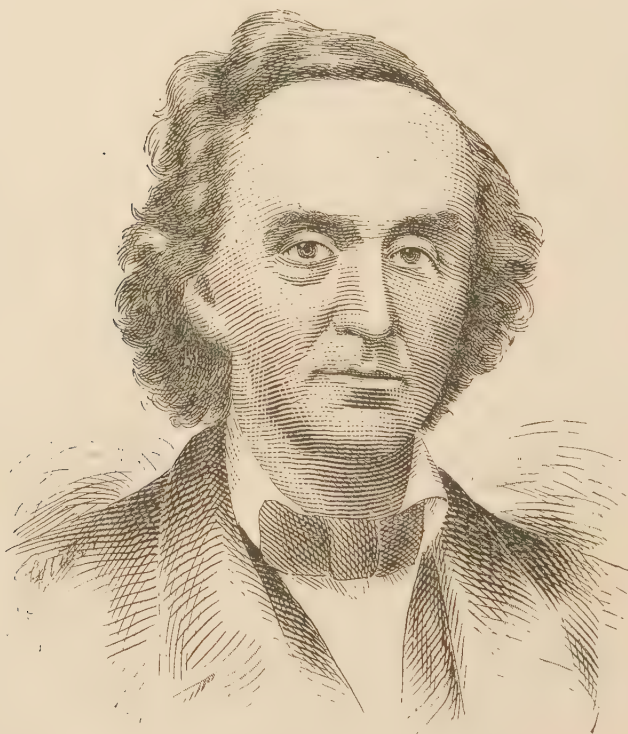
152. The Situation.—On December 20, 1860, South Carolina, through her Legislature, declared she no longer owed any allegiance to the Union. Within six weeks Mississippi, Florida, Alabama, Louisiana, Georgia, and Texas—seven States—seceded. As Missouri was at this time the first in population of the slave-holding States, and as most of her people were of Southern origin, it may be seen at once that she was now confronted with the gravest problem she had ever had to settle.

153. The Governors.—Robert M. Stewart, the retiring Governor, had been reared in New York and his feelings naturally inclined him with the North. He sincerely desired to keep Missouri in the Union. But he was opposed to forcing South Carolina and the other seceded States back into the Union, and if the Union should undertake to do this he was opposed to Missouri helping in the undertaking. He was also opposed to troops coming into Missouri either to wrest her from the Union or keep her in it. He stated the proper position for Missouri to assume and adhere to, was “armed neutrality.” He set forth all these points forcibly in his last message in which he said: “If South Carolina and other cotton States persist in secession Missouri will desire to see them go in peace, with a hope that a short experience at separate government will induce them to return to their former position. In the meantime Missouri will hold herself in readiness, at any moment, to defend her soil from pollution and her property from plunder by fanatics and marauders, come from what quarter they may.” He closed his

message by saying: "I here record my unalterable devotion to the Union so long as it may be made the protector of equal rights." There can be no doubt, as subsequent events under more exasperating tests showed, that at this time the great majority of the people of Missouri were of the same opinion as Governor Stewart. The votes given the various candidates in November showed this and the vote in February made it still clearer.

154. Governor Jackson.—Governor Jackson, unlike Governor Stewart, had been reared in the South, and many social and political ties bound him to her people. In his inaugural address he declared that all Missouri wished was "to be let alone." He believed the Northern States had, by passing laws which nullified the Fugitive Slave Law, themselves practically abandoned the Union. He believed if arms were employed by the general Government to force a State back into the Union that it would be such an insult as all the States ought to resent, and in that event the true position for Missouri would be to secede and unite with the South. He declared: "The destiny of the slave-holding States is one and the same. Their common origin, pursuits, tastes, manners, and customs bind them together in one sisterhood. And Missouri will, in my opinion, best consult her own interests, and the interests of the whole country, by a timely determination to stand by her sister slave-holding States." It can not be denied that Governor Jackson was at this time in favor of Missouri's seceding if the Federal Government should make war on the seceded States to force them back into the Union, but until that was done he was not in favor of secession. Even this position he afterward abandoned, when the seceded States attempted to capture the Government forts and arsenals within their respective borders. He then took the position at first declared by Stewart

that the proper course for Missouri was to preserve an "armed neutrality," and keep out of the State all "marauders come from what quarter they may," but to take no part herself in the conflict between the States.



CLAIBORNE F. JACKSON.

155. *The Legislature.*—The Lieutenant-Governor, whose duty it is to preside over the Senate was Thomas C. Reynolds. From the outset he was in favor of secession, because he believed it impossible for Missouri to preserve an "armed neutrality" in the impending conflict, which he saw

was inevitable. He accordingly urged the General Assembly to declare Missouri determined to resist all attempts by the Federal Government to force the seceded States back into the Union or to collect the Government revenue in those States. He also urged that to make her able to resist coercion she must organize and enlarge her military forces. He appointed all the committees of the Senate in accordance with his views, and placed men on these committees who would endeavor to shape legislation in keeping therewith. Bills were immediately introduced in both houses to arm and equip the State militia and to provide for a State convention to consider what position Missouri should take in regard to secession. These bills were received with prompt and almost unanimous approval in the General Assembly.

156. The First Gun.—Events seemed to be rapidly urging Missouri on to secession, and the Southern Rights men were “exultant and even defiant.” But just at this time an event took place which made the supporters of the Union bold and aggressive. President Buchanan had sent a war vessel, the “*Star of the West*,” laden with stores, guns and ammunition, for the purpose of strengthening Fort Sumter and other arsenals in South Carolina. As she attempted to land at Charleston the South Carolina forces fired on her, drove her back, and the first gun of the war was fired. Northern men now thought only of resenting the insult to the flag, and this occurrence put new purpose in them and iron in their purposes. But Southern men were enraged by the President’s attempt to overawe them by sending this vessel and strengthening these forts, and were equally determined.

157. The Convention Authorized.—The bill creating the convention passed the General Assembly and became a law on January 18. In the Senate there were only two

votes against it. In the House there were eighteen against and one hundred and five for it. The duties and powers thus committed to this convention were contained in the following words creating it, which said it was "to consider the relations between the United States. . . . and the Government and State of Missouri; and to adopt such measures for vindicating the sovereignty of the State and the protection of its institutions as shall appear to them to be demanded." The law also provided if such convention should finally pass a secession ordinance that it should never be valid until submitted to the people and adopted by a majority of the qualified voters of the State. These words creating this convention are important, because the limit and extent of its powers are by them defined and the purposes of calling it set forth. In the subsequent pages it will be seen that the convention when it came together far exceeded the limitations and purposes contemplated by the Legislature, and exercised powers never before claimed by any body in the State. It is to be further observed that whatever might have been the individual wishes of the members of this General Assembly for secession, yet they voluntarily transferred what power they had to take Missouri out of the Union to other hands and were determined that no body of men should take her out, but that this must be done, if done at all, by the people themselves.

158. The People.—The election of delegates to this convention was to take place on February 18, just one month after the bill creating it became a law. A thorough canvass was at once begun throughout the State and carried forward with great interest till the end. The people divided into three parties, namely, Secessionists, Conditional Union men and Unconditional Union men. The leaders of the Secessionists were Governor Jackson, Lieutenant-Governor

Reynolds, both United States Senators (James S. Green and Trusten Polk), General D. R. Atchison (formerly United States Senator) and Thos. L. Snead (editor of the *St. Louis Bulletin*). They did not desire the disruption of the Union, and deplored the haste of South Carolina and the other States in leaving it. But believing that all the seceded States would remain out of the Union and form a separate confederacy, they considered it the true duty of all the slaveholding States to unite together; believing also, that if a separate confederacy were formed, there would be war between it and the Union, they felt they were bound by the strongest kindred ties to stand by the South. They were not especially devoted to slavery. In fact slavery was no longer the most prominent question in these discussions. It was from this time on put far in the background. The issue rose transcendently above this. "They were secessionists only because they believed the Union had been dissolved, that its reconstruction was impossible, that war was inevitable, and that in war the place for Missouri was by the side of the Southern states, of which she was one;" so wrote the learned Thomas L. Snead, twenty years after the war had ended, who of all the Secessionists best understood the situation.

159. The Conditional Union Men.—The Conditional Union men were the most formidable opponents of the Secessionists. They were led by Judge Hamilton R. Gamble of St. Louis, Colonel A. W. Doniphan of Clay, Congressman James S. Rollins of Boone, Congressman John B. Clark of Howard, Ex-Governor Sterling Price of Chariton, Ex-Governor R. M. Stewart of St. Joseph, Judge William A. Hall, of Randolph, Congressman John S. Phelps of Greene, and Judge John F. Ryland of Lafayette, ably assisted by the *Missouri Republican*; then the ablest paper west of the Mississippi, and edited by the great Nathaniel Paschall, "a man

of mature age, strong intellect and consummate common sense." These leaders were the ablest, most popular, and most prominent men in the State, and it is doubtful if any State in the Union could have shown at that time a finer array of many-sided great men. Their astuteness, popularity and well-known patriotism, added to the fact that many of them were themselves large slave-owners, at once began to divide the Secessionists. They were for the Union, provided the Federal Government would not attempt to force the seceded States back and coerce them into submission. They declared themselves ready to resist coercion. But they did not fear it. They pleaded with patriotic pride for the preservation of the union of their fathers, which had been bought with blood, and which had brought a thousand blessings to one curse; they urged the people that they must not allow their feelings to control them, but must remember that the steps they took might involve their children and their children's children in untold misery.

160. The Unconditional Union Men.—The Unconditional Union men were for the Union come what might. They believed the seceded States should be coerced into submission. The impersonation of this movement was Frank Blair. He saw that the only outcome of the trouble was war, that it must come in the near future and he was determined to hold Missouri for the Union. Blair contended that what was wanted in the convention were "men who were now and who would hereafter, under all circumstances, and in every emergency, be for the Union;" that he himself intended to stand by it to the last and to oppose in every way the secession of Missouri. At first his chief following was among the Germans, who had no kindred in the South, who had bought their lands from the Federal Government, who had enjoyed uninterrupted peace under it, and who felt that they should stand by it. But soon he had some able seconds.

They were Samuel T. Glover, James O. Broadhead, B. Gratz Brown, and Edward Bates, all of St. Louis.

161. Missouri Declares for the Union.—The election of ninety-nine delegates to this Convention took place on February 18, and resulted in an overwhelming victory for the Union cause. Not a single avowed Secessionist was elected. The Union candidates received a total majority of eighty thousand, and the entire vote for them was almost three fourths of all the ballots cast. It was a great disappointment to the General Assembly, whose members had confidently looked for an overwhelming victory for secession. It put a stop to any preparations by it for war, and for two months the discussions were mild, and submissive to the popular will. On the other hand the triumph of the Union men emboldened the Convention, after a session or two, to take the extremest action.

Questions on Chapter XI.

1. What was now the situation? (152)
2. State fully the attitude of Governor Stewart. (153)
3. What did he state in his last message? (153)
4. What was the attitude of the people? (153)
5. What was Governor Jackson's position? (154)
6. What declaration for secession did he put in his inaugural address? (154)
7. Did he afterward abandon this position? (154)
8. What position did he then take? (154)
9. How did Reynolds try to lead the Legislature? (155)
10. What two bills were passed? (155)
11. Describe the effects of the "first gun." (156)
12. What powers did the Legislature delegate to the Convention? (157)
13. What is said of the subsequent action of the Convention? (157)
14. Who alone did the Legislature consider had a right to take Missouri out of the Union? (157)
15. Who were the leaders of the Secessionists? (158)

16. What did Snead say of them? (158)
17. Who were the leaders of the Conditional Union men? (159)
18. What is said of them? (159)
19. What was their position? (159)
20. What was the position of the Unconditional Union men?
(160)
21. Who was their great leader? (160)
22. What was the result of the election? (161)
23. How was it regarded by the General Assembly? (161)
24. How by the convention? (161)

Topical Outline of Chapter XI.

FIRST MONTHS OF 1861.

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|---|------------------------------------|
| { | 1. Secession of Certain States. |
| | 2. The Attitude of Stewart. |
| | 3. The Attitude of Jackson. |
| | 4. The Legislature. |
| | 5. The First Gun. [tion. |
| | 6. Powers Delegated to the Conven- |
| | 7. The Secessionists. |
| | 8. Conditional Union Men. |
| | 9. Unconditional Union Men. |
| | 10. Result of Election. |

CHAPTER XII.

THE CONVENTION.

162. **The Convention Meets.**—The convention, whose members had been elected on the eighteenth of February, the very day on which Jefferson Davis had been inaugurated President of the Confederacy, met at Jefferson City on the last of the month. Ex-Governor Sterling Price was elected President. He was an avowed Union man. The fifteen State-rights men voted for Nathaniel W. Watkins, a half-brother of Henry Clay. Soon after organization the convention adjourned to meet in St. Louis on March 4, the day Lincoln became President. Its members were the ablest men in the State, now met at the time of the greatest crisis in its history, “to consider its relations to the Government of the United States.” In the last pages of this volume may be found a list of these delegates and the counties for which they were delegated to act. Of the ninety-nine members fifty-three were natives of either Virginia or Kentucky, three were Germans and one an Irishman. Thirteen were from the North. Mr. Gamble, who had been Supreme



JAMES O. BROADHEAD.

Judge of the State, Willard P. Hall, the vice-president, Robert Wilson, of great ability, James O. Broadhead, one of her ablest and most scholarly lawyers, and John B. Henderson, always a steadfast opponent of secession, were Virginians.

163. Against Secession and War.—The Committee on Federal Relations, through its chairman, Hamilton R. Gamble of St. Louis, on the ninth of March made a report declaring that secession by Missouri was “certainly not demanded.” A part of the report said that “the true position of Missouri to assume is that of a State whose interests are bound up in the maintenance of the Union, and whose kind feelings and strong sympathies are with the people of the Southern States, with whom we are connected by the ties of friendship and blood.” The resolutions were adopted by almost a unanimous vote, the opposition to each being only five or six votes. Thus was secession finally defeated. The Convention also declared the employment of military force to coerce the seceded States would plunge the country into war, and it therefore “earnestly entreated” the Federal Government and the seceded States “to withhold and stay the arm of military power and upon no pretext whatever to bring upon the nation the horrors of civil war.”

164. The Moss Resolution.—A difference of opinion manifested itself in the convention when the question was raised, What would Missouri do if the President should call on her to furnish troops to coerce the seceded States? They were opposed to coercion, but what would Missouri do if she were going to remain in the Union, if Congress and the President determined to undertake coercion and should call on her for troops for the purpose. Mr. James H. Moss, a delegate of ability from Clay county, said he would not vote for secession under any circum-

stances, and introduced a resolution asking the convention to declare that Missouri would "never furnish men or money for the purpose of aiding the general Government in any attempts to coerce a seceding State." He supported the resolution warmly, and passionately pleaded with the convention to pass it. He declared "Missouri would never, never furnish a regiment to invade a seceded State." William A. Hall, of Randolph, who had been a circuit judge for sixteen years, replied to Mr. Moss, in argument that could not be gainsaid, that "if Missouri remained in the Union it would be her duty to furnish both men and money to the general Government when properly called upon for them, whether to coerce a State into submission or for any other purpose." Mr. John B. Henderson, of Pike, declared "the President has no more power to use force than you or I," and that no man could believe the "President will so far disregard his duties under the Constitution, or forget the obligations of his oath, as to undertake the subjugation of the Southern States by force." Mr. Prince L. Hudgins, a State-rights man from Andrew county, said: "I do not believe a State has a constitutional right to secede; but seven States claim to have seceded, and I for one am anxious to bring them back. You can not do this by threats, nor by force, nor by abuse." James O. Broadhead did not believe the Federal Government had a right to coerce a State. Nearly all the delegates spoke against coercion, yet the Moss resolution failed, some voting against it because it was useless, a greater number honestly accepting Judge Hall's logic. By "the pitiless logic of facts" when the war did come on Mr. Henderson was one of the most ardent supporters of Lincoln in the use of force; and Broadhead concurred with Lyon in making the attack on Camp Jackson and otherwise aided in the efforts to coerce Governor Jackson and the Legislature into submission.

And Mr. Hudgins before the next session of the convention was arrested in St. Louis as a secessionist, thrown into prison and kept there until after the fall of Lexington, when he was exchanged for other prisoners.

165. Adjourned.—The Convention, after it passed these resolutions, brought its labors to a close and adjourned on March 22, subject to the call of the executive committee. By this last arrangement it provided a way for self-perpetuation till secession became utterly impossible, as we shall hereafter see. On the twenty-eighth of the same month the Legislature adjourned without having made any arrangements for the war, or for raising and supporting a militia for the protection of the State. In fact it may be said, in all truthfulness, that the vast majority of the people did not want war, nor did their desires go to the extent of even those of Governor Stewart, who counseled “armed neutrality.”

166. The Military Bill.—The bill for arming the State was taken up in the Legislature on March 5. Governor Jackson urged its passage with all the power of his personal influence. It was favored by most of the State-rights members. But some Union men also favored it. They wished to prepare the State for defense from any kind of marauders; but the majority of the members interpreted the recent election to mean that the people were opposed to secession and to any kind of warlike actions. The bill was defeated, and Missouri again recorded her unwillingness to secede.

167. More Light.—The election of United States Senator this year throws some light on the position the General Assembly regarded the State as holding to secession. Early in the session, when it became apparent that a convention would be held to consider the question of secession,

the Legislature had determined not to elect a successor to James S. Green, whose term would expire on March 3, till after it was learned whether the people preferred secession or the Union. When they voted for the Union, the Legislature proceeded to elect a Senator on March 12. Mr. Green had been one of the most popular men in the State, but he was an avowed secessionist. His election was, therefore, impossible, although on one ballot he got seventy-six out of the one hundred and fifty-six votes cast. Waldo P. Johnson, of Osceola, St. Clair county, was elected on the fifteenth ballot. As indicating the part taken in the war by those most prominent in bringing it on, it is proper here to remark that James S. Green, who was set aside for being a secessionist, "did not raise his hand or his voice for the South during the war, while Johnson, who had been elected because he was a good Union man, quickly resigned his seat in the Senate, entered the army, and fought for the Confederacy till the end of the war."

Questions on Chapter XII.

1. Who was elected president of the convention? (162)
2. When did it meet in St. Louis? (162)
3. What is said of its members? (162)
4. What about their nativity? (162)
5. Name some of them. (162)
6. What report did the committee on Federal Relations decide on? (163)
7. Was this report adopted? (163)
8. What was the Moss resolution? (164)
9. What did Mr. Moss say in regard to it? (164)
10. How did Hall answer him? (164)
11. What did John B. Henderson say? (164)
12. How did Hudgins declare himself? (164)
13. What was Broadhead's belief? (164)
14. What is said of "the pitiless logic of facts?" (164)
15. How did the convention arrange to perpetuate itself? (165)

16. What was the attitude of the people? (165)
17. What is said of the Military Bill? (166)
18. What is said of the election of U. S. Senators this year? (167)
19. And what of the after conduct of Green and Johnson? (167)

Topical Outline of Chapter XII.

THE CONVENTION.	{	1. Organization of Membership.	{	1. For the Union.
		2. Declares		2. Against War.
		3. The Moss Resolution.		3. Sympathies With the South.
		4. Declarations of		1. Moss.
				2. Hall.
				3. Henderson.
				4. Hudgins.
				5. Broadhead.

CHAPTER XIII.

THE ARSENAL AND CAMP JACKSON.

168. **The Government Arsenal.**—There was a Government arsenal in St. Louis, well stored with forty thousand or more stand of arms and other valuable munitions of war. This arsenal now became the center of all warlike intentions. Both sides wanted it, in the event that there was to be war. Governor Jackson had all along believed the war to be inevitable, and if it came he believed Missouri would be the natural ally of the South, and he determined to put her on that side if he could. He did not declare this purpose publicly, but he instructed General Frost, who had gone into camp just at the edge of St. Louis after his return from the Kansas troubles, with about 700 men, to keep himself well informed of all movements and if he deemed it necessary, to seize the arsenal and hold it for future disposal. General Frost in furtherance of this plan waited upon its commander, Major Bell, who frankly told him that he thought the State had a right to claim the arsenal as being on her soil and that

he would not defend it against the proper State authorities, but would against "all irresponsible mobs." But before Frost could thus peaceably take possession of the arsenal, it was supplied with additional troops, Major Bell was relieved of command, and Major Hagner put in his place, and by the eighteenth of February, the day on which the State voted not to secede, there were four or five hundred soldiers behind the walls, able to repulse almost any attack which might be made on it, and on the next day General Harney notified the President that there was no danger of an attack and never had been. In this condition of things each side would have gone on without any disturbance from the other, had there not appeared on the scene a man who was ready for war. This man was Captain Nathaniel Lyon.

169. **Captain Lyon** was born at Ashford, Connecticut, educated at West Point and was an officer of the regular army. He was at this time forty-three years old and is described as having been "of less than medium height; slender and angular; with abundant hair of a sandy color, and a coarse, reddish-brown beard. He had deep-set blue eyes, and features that were rough and homely." His disposition made him fretful and impatient under restraint. He could see only one side of a question, but he saw that with terrible earnestness, and with no patience with any person who saw the other side. All persons who did not agree with him he regarded as being influenced by unworthy or improper motives. He was devoted to the Union and always eager to crush those who were not. Upon his arrival at St. Louis he at once set to work to make himself department commander, and never ceased until he had been given almost unlimited power to do as he pleased. His chief helper was Frank Blair, who at all times pushed him forward. Yet he was restive, and this led him to fear that Mr. Lincoln "lacked the resolution to grapple with treason and to put it down for-

ever." He thought the best thing to do with a conservative man like Major Hagner was to "pitch him in the river." He had been in Kansas through all its border troubles



BRIG.-GEN. NATHANIEL LYON.

between the Free-soil and the Pro-slavery men. He had formed the greatest dislike to the latter and in the troubles between the two factions said he foresaw "sectional strife,

which I do not care to delay." He came to St. Louis possessed with this idea and feeling, and at once went to drilling the "Wide Awakes" and other volunteer soldiers, and those quartered within the arsenal. In this he showed the greatest diligence and skill. He inspired everyone with his own courage and zeal. By the middle of April, four regiments had been enlisted, and he proceeded to arm them with guns from the arsenal. With this well-trained force he and Blair felt strong enough to attack Governor Jackson and his followers, and they lost no time in finding a pretext for so doing.

170. A Call for Troops.—Fort Sumter surrendered on April 13, 1861. On the same day President Lincoln issued a proclamation "for seventy-five thousand men to suppress combinations too powerful to be suppressed by the ordinary course of judicial proceedings," and on the same day the Secretary of War telegraphed Governor Jackson his requisition for four regiments of infantry. On the sixteenth the Governor replied: "Not one man will the State of Missouri furnish to carry on an unholy crusade upon the seceded States." The people of Missouri indorsed the Governor's reply, but to Blair and Lyon it was reason enough to make an attack upon Frost. Besides, this reply was supplemented by frequent reports that guns and ammunitions, obtained from the Government arsenal in Louisiana, had been secretly brought up the river and conveyed to Camp Jackson, where Frost's little command was now encamped.

171. Liberty Arsenal.—There was another Government arsenal about four miles south of Liberty in Clay county. It was in charge of Major Nathaniel Grant and two other men, and contained about 11,000 pounds of powder, about 1,500 guns and twenty or thirty small cannon. On the twentieth of April, just six days after President Lincoln's call for troops, 200 men under the command of Colonel H.

L. Routt, most of them from Clay and Jackson counties, quietly took possession of this arsenal, with no interruption except the protests and railings of Grant, at whom they only laughed. Within the next few days they carried away most of the guns and powder. These were never retaken but were used in after years in the service of the Confederacy. The captors, however, seemed to have had no other purpose than to supply themselves with arms and ammunition for whatever troubles that might arise. But the capture of this arsenal and the reports about Camp Jackson determined Lyon on making the attack upon that camp.

172. New Regiments.—Besides he had been encouraged by a special order from the Secretary of War at Washington, Mr. Simon Cameron, who on the thirtieth of April directed him to “enroll ten thousand loyal citizens of St. Louis and vicinity.” Five new regiments were enrolled under this order, known as the Home Guards, while the other five regiments already enrolled were known as Missouri Volunteers. The first regiment of the Missouri Volunteers was composed mostly of natives of this country and Irishmen. The other nine were composed almost exclusively of Germans.

173. Harney and Lyon.—The time was now opportune to make the attack. General Harney, who was in charge of the department, and to whom therefore Lyon and Blair were inferior officers, had been summoned to Washington to answer for his official conduct on the complaint of Blair. This complaint was founded on a conflict between Lyon’s troops and the St. Louis police. Lyon had been patrolling the streets in front of the arsenal with his troops. This was in violation of the city laws and an interference with the duties of the Board of Police Commissioners. The Board complained to Lyon and demanded that he should

obey the laws. Lyon refused. The Board was powerless to enforce their complaints in the face of his well armed troops, and appealed to General Harney. He ordered Lyon to withdraw his patrols into the limits of the arsenal and not to issue arms to anyone except by his sanction. This led Blair to charge Harney to the Secretary of War, as having controverted his orders, and in consequence Harney was summoned to Washington to defend himself. Harney, who was opposed to any aggressive attacks, was now out of the way and Lyon was left in full command.

174. *Lyon and Camp Jackson.*—General Lyon, disguised as an old woman, on the ninth of May, the next day after the arms and ammunitions had been received at Camp Jackson from Louisiana, drove through the camp, and satisfied himself that the men had in their possession guns and ammunitions which had been taken from the captured United States arsenal at Baton Rouge and which rightfully belonged, in his opinion, to the Federal Government. These were easily to be seen, for Frost had required them to be stacked outside at the entrance to the regular camp. Lyon returned and reported that the camp was “a nest of traitors.” This was Thursday the ninth. Harney would return on Sunday. He and Blair determined on an attack forthwith, and that it should be made next day. On the next morning, General Frost, who had for two days been receiving reports that Lyon would make an attack on his camp, addressed him a letter in which he denied that he or any part of his command was actuated by any hostile intentions to the Federal Government, and closed by adding: “I trust after this explicit statement we may be able, by fully understanding each other, to keep far from our borders the misfortunes which unhappily afflict our common country.” But Lyon refused to receive the letter and sent it back. His troops were already forming for the march to the camp, which he

declared was made up mostly of secessionists, who were plotting to overthrow the Government's authority.

175. The Attack.—He surrounded the camp with his well disciplined soldiers, and sent a demand to Frost for his immediate and unconditional surrender. As his force numbered 7,000 men and more, and Frost's 700, the latter at once did so. The captured soldiers stacked their arms and were arranged in a line along Olive street, which was occupied by Lyon's troops, there halted and kept standing over an hour. Great numbers of men, women and children from the city gathered around the troops and prisoners, and at times attacked the troops with stones, and called them, in derision, "Dutch Blackguards," because one of the German companies called itself *Die Schwartzte Garde* (the Black Guard). The soldiers resented this by firing into the crowd, first with a few shots, which were almost immediately "followed by volley after volley." When the firing ceased twenty-eight persons lay dead or mortally wounded, among them three of the prisoners who had only a little while before surrendered, and an infant in the arms of its mother and one of Lyon's soldiers. The march was at once resumed to the arsenal and the next day the prisoners were released on their own parole not to bear arms against the Government while the Civil War should last.

176. A Blunder.—The attack upon Camp Jackson proved to be a blunder. It was intended to crush out all spirit of secession in the State and completely disarm and crush the influence of those who wished it to secede. This number was small. It will be remembered that the question of secession had been submitted to the people on the eighteenth of February and had been declared against by a majority of eighty thousand votes. Since that time instead of gaining, the secession sentiment had waned. Even the

doctrine of the numerous Conditional Union men, that Missouri would secede only when the Federal Government should attempt to coerce and force the seceded States back into the Union, had been abandoned, and most of those who had prior to February 18 held to this view, had prepared to quietly submit to this attempted coercion. With the exception of Governor Jackson and a handful of his enthusiastic followers, the vast majority of the people preferred that Missouri should remain in the Union and take no part in the Civil War, now already begun in other States. But now everything was changed. In the twinkling of an eye a thrill of horror ran through the State at the needless killing of private citizens and surrendered prisoners by a foreign-born soldiery led by an unrelenting captain from another State, whose course seemed to receive the entire sanction of President Lincoln. The news was telegraphed to Jefferson City where the Legislature had been in special session since May 2. At that very time it happened the Military Bill, designed for the organization of the State militia for any emergency that might arise, was being considered and had been under consideration for several days. It was being successfully opposed, because it was believed the people had pronounced against any military preparations, and for the further reason that it was feared the Governor might use the militia in aid of secession. The bill for these reasons could never have been passed had not the Camp Jackson affair occurred. But as an indication of the popular revulsion and excitement because of the fact that the United States forces had attacked the State's forces, within fifteen minutes after the news had been received at the Capitol the Military Bill had been rushed through both houses of the General Assembly, and was ready for the Governor's signature. Within five days the Legislature passed laws authorizing the expenditure of over two million dollars "to repel invasion

and put down rebellion," as it said. Fortunately the Legislature had sometime before referred to the convention and to the people the question of secession; if this had not been done, the Legislature would now with equal precipitation have passed a secession ordinance.

177. Preparations for War.—Preparations for the war by both sides now went on apace. Hundreds of men who up to this time remained loyal to the Union, felt themselves driven into the secession movement by the unfortunate affair at Camp Jackson. Among those who identified themselves with this movement was Sterling Price, who had been Governor of the State from 1853 to 1857, and who had reflected great glory upon Missouri in the Mexican War. He now offered his sword to Governor Jackson to fight for what he declared to be in defense of the State. He was appointed major-general of Missouri State Guards. The State was divided into eight military districts and over each was appointed a brigadier-general to organize and drill the militia. For this purpose Governor Jackson appointed A. W. Doniphan, Monroe M. Parsons, James S. Rains, John B. Clark, Thomas A. Harris, Nathaniel W. Watkins, A. E. Steen, W. Y. Slack and James H. McBride; Colonel Doniphan, however, refused to accept the appointment, but remained steadfast in his allegiance to the Union, yet took no part in the war.

178. Indorsed by Harney.—General Harney had in the meantime returned to St. Louis. He deemed the attack on Camp Jackson as proper and just, and said two of the streets of the camp were called Davis and Beauregard, after Jefferson Davis and the general who had led the attack on Fort Sumter, and that soldiers therein had openly worn the dress and badge of Confederate soldiers. He issued a proclamation on the fourteenth of May in which he declared:

"No Government in the world would be entitled to respect that would, for a moment, tolerate such openly treasonable preparations," and announced that the whole power of the United States would be employed, if necessary, to maintain its authority as "the supreme law of the land." Beyond this he wished only to preserve the general peace and to protect all loyal citizens from violence of any kind. On the seventeenth of May he asked the War Department for ten thousand stand of arms, and that nine thousand men should be furnished him by Iowa and Minnesota.

179. *Price-Harney Agreement.*—While these preparations for war were going on, conservative men appealed to Harney and Price to preserve the peace and agree upon a plan of neutrality; General Harney accordingly sent an invitation to General Price to meet him for the purpose of forming such an agreement, which Price, with Governor Jackson's approval, readily accepted. The Price-Harney agreement was formed, wherein each avowed it was his purpose "to restore peace and good order," and Price was to be intrusted with the duty of keeping order in the State, subject to the laws of the Federal and State Governments. If this were done the people were assured by Harney that he would have no occasion, as he had no wish, "to make military movements in the State which might create jealousies or excitement." In accordance with this agreement, Price dismissed the troops at Jefferson City. But because the agreement, which Harney said produced a good effect throughout the State, did not include that all military organization should cease and the militia be dispersed, this action of Harney's gave great offense to Blair and Lyon, who at once determined upon his removal. Accordingly, O. D. Filley, as a member of the St. Louis "Safety Committee," which had all along supported Lyon and Blair, sent out a circular letter to every

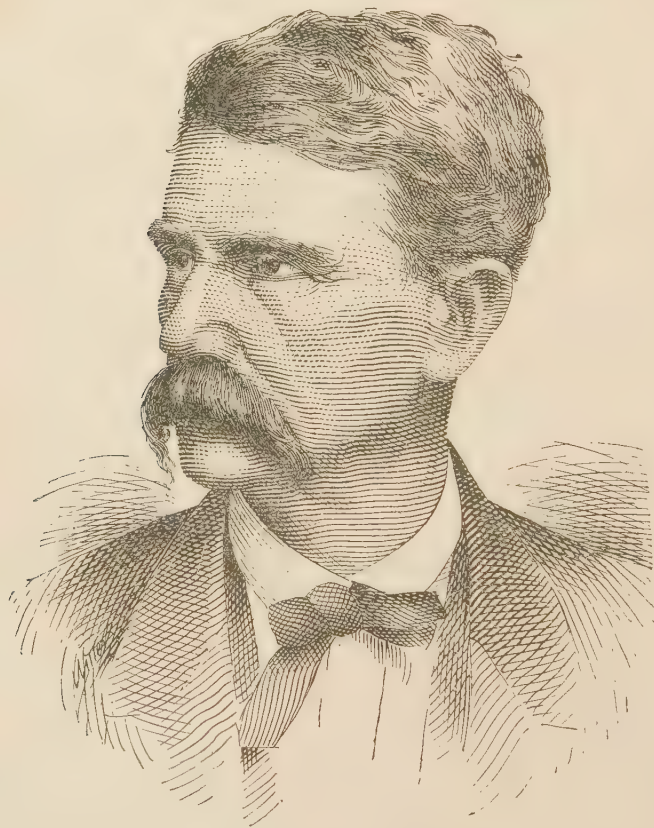
part of the State asking that full and detailed reports be sent in of all offensive treatment of loyal Union men by the secession element. These reports were very voluminous. They were forwarded to President Lincoln, who sincerely believed them, but Harney did not, but declared that Price was faithfully carrying out his part of the agreement. The President thought these outrages "should be stopped," and therefore relieved Harney, and put General Lyon in command.

180. War Declared.—General Lyon was no longer impeded by a conservative superior officer, but was left free to pursue any course he pleased. Both sides began at once to again make active preparations for the war. But before much had been done William A. Hall and other honorable citizens made another effort to prevent a conflict, and persuaded Governor Jackson to ask an interview with General Lyon "for the purpose of effecting a pacific solution of the troubles of Missouri." Lyon regarded Governor Jackson as a traitor, but if he should come to St. Louis for this purpose, Lyon promised that he would not arrest him while there or on his way back to the capital. Accordingly the interview took place at the Planters' House, St. Louis, on the eleventh of June. The Governor was accompanied by General Price and Thomas L. Snead, who appeared for the State, while Lyon, Blair, and Major Conant represented the Federal Government. General Lyon led the conference for his side, which lasted for four or five hours. In a proclamation which the Governor published next day he declared that in this interview he had proposed to Lyon and Blair: "That I would disband the State Guard and break up its organization; that I would disarm all the companies which had been armed by the State; that I would pledge myself not to attempt to organize the militia under the Military Bill; that no arms or other munitions of war should be brought into the State; that I would protect all citizens equally in all their rights,

regardless of their political opinions; that I would suppress all insurrectionary movements within the State; that I would repel all attempts to invade it from whatever quarter and by whomsoever made; and that I would thus maintain a strict neutrality in the present unhappy contest, and preserve the peace of the State." This was a clear abandonment of secession by the Governor, but the proposition was made upon the condition that the Federal Government would undertake to disarm the Home Guards, and would pledge itself not to occupy with its troops any locality in the State not occupied by them at that time. Finally, when this proposition had been fully discussed (till all present understood it), Lyon suddenly broke up the conference by this reply: "Rather than concede to the State of Missouri the right to demand that my Government shall not enlist troops within her limits, or bring troops into the State whenever it pleases, or move its troops at its own will into, out of, or through the State; rather than concede to the State of Missouri for one instant the right to dictate to my Government in any matter however unimportant, I would see you and every man, woman, and child in the State, dead and buried;" and, turning to the Governor, he said: "This means war; in an hour one of my officers will call for you and conduct you out of my lines." And it did mean war. Men who had known and loved each other for years, now bade farewell and turned away, a part to fight for the Union, the other part for the State.

181. Francis Preston Blair was born at Lexington, Kentucky, February 19, 1821, and died in St. Louis, Missouri, July 8, 1875. He was a descendant of the Blairs and Prestons of Virginia, two families of great excellence and marked intellect. His father was Francis Preston Blair, the trusted adviser of Andrew Jackson and afterwards of Mr. Lincoln. A truer type of the American patriot was never known than the elder Blair. At the age of nine Frank went

with his father to Washington and was well instructed in the best schools. At twenty he graduated at the renowned Princeton College. Two years later he graduated in law



FRANCIS P. BLAIR, JR.

from the Transylvania University of Kentucky. He came to St. Louis and began the practice of law with painstaking energy. His health failing, he went in 1845 to New Mexico and took part in setting in operation the Government of the

United States in that newly conquered territory. He returned to Missouri, again pursued his profession, and in 1852 and 1853 was elected to the Missouri General Assembly. He espoused the cause of Free-soil and Emancipation with greatest energy and courage. At that time his cause was most unpopular, but no kind of threats or intimidation deflected him from his course. He gained but little following outside of St. Louis, but in that city the German citizens were his strong supporters. In 1856 he had so thoroughly organized the Free-soil party that he was elected to Congress, and was again elected in 1858 and 1860. In 1858 his party candidates were elected to the municipal offices of St. Louis and held them without interruption to the close of the war. He foresaw the impending struggle in Missouri long before other men did and he set about to crush every effort at secession, and not till the last gun was fired did he cease. He held a ratification meeting of Mr. Lincoln's nomination in 1860, which was much disturbed by some lawless persons. To put a stop to this he organized a kind of vigilance company or body-guard known as the "Wide Awakes." These accompanied him wherever he went in his canvass and protected him from insult and his audiences from being dispersed. He afterwards organized them into the first Union company formed in the State and was made its captain. Then he enlarged it into a regiment and was elected its colonel. Then he went off to the war, and neither side ever had a braver officer nor one who did harder fighting. He took part under General Grant in the siege of Vicksburg in 1863, and was in the hottest of all the fight. "During the siege, by an order of Grant, he laid waste the country for fifty miles around Vicksburg, drove off the white inhabitants, burned the grist mills, cotton gins and granaries, and destroyed the crops." On the death of General McPherson he was made general of the seventeenth army corps. He

did valiant service under General Sherman in the subjugation of Tennessee and continued with him till the close of the war, always bearing the brunt of battle. He took part in the siege of Atlanta and in the subsequent "march to the sea," in which his men were always in front.

He had always been opposed to the radical emancipationists and in 1862 again offered himself in St. Louis as a Conservative Republican candidate for Congress. He got one hundred and fifty-three more votes than Mr. Knox, the Radical Republican, but Congress declared the latter elected. When the war was over Mr. Blair was found to be the best friend of the vanquished in the State. He was a man of steel and iron to crush out secession, but when the secessionists yielded he laid down his arms. He had fought for the Union and won, and he wished to re-establish it in its best sense as a Union of the whole people. He returned to Missouri and found hard, rigid laws which disfranchised half of the citizens of his former days before the war. He could have had any office in the gift of the State for the acceptance, but he voluntarily put all aside, and espoused the cause of the disfranchised men. He canvassed the State, amid great danger and insult, and finally won. President Johnston nominated him for many offices, but the Senate always refused to confirm the appointments. In 1868 he was a candidate for Vice-President on the Democratic ticket with Seymour. In 1871 he was a member of the State Legislature and was elected United States Senator, to fill out the unexpired term of Charles D. Drake, and served till March 4, 1873.

Questions on Chapter XIII.

1. What is said of the arsenal near St. Louis and Jackson's attempt to gain possession of it? (168)
2. Describe Captain Lyon. (169)
3. What had he to say of Mr. Lincoln? (169)

4. What did he foresee from the Kansas troubles? (169)
5. What did he and Blair determine on? (169)
6. What call did Mr. Lincoln make? (170)
7. What was Jackson's reply? (170)
8. How did Blair and Lyon regard this reply? (170)
9. What other bad report did they hear? (170)
10. What is said of Liberty arsenal? (171)
11. What regiments were now enrolled? (172)
12. What conflict between Harney and Lyon had occurred? (173)
13. Describe Lyon's conduct on May 9. (174)
14. What did Frost on the morning of the tenth? (175)
15. Describe the attack on Camp Jackson. (175)
16. What was the purpose of the attack on Camp Jackson? (176)
17. How did it prove to be a blunder? (176)
18. What were some of its effects? (177)
19. Who was placed in command of the State Guard? (177)
20. How did Harney regard the attack on Camp Jackson? (178)
21. What was the Price-Harney agreement? (179)
22. How did Price begin to carry it out? (179)
23. What did Harney say of it? (179)
24. How did the Safety Committee break it down? (179)
25. What was the result on Harney? (179)
26. What further efforts at peace were made? (180)
27. Describe the interview between Lyon and Jackson. (180)
28. What did Jackson propose? (180)
29. Upon what condition were these propositions made? (180)
30. Was Lyon willing to concede to the State the right to dictate to the Federal Government? (180)
31. What did he say? (180)

Topical Outline of Chapter XIII.

ARSENALS AND CAMP JACKSON.	{	1. Arsenal at St. Louis.
		2. Nathaniel Lyon.
		3. A Call for Troops.
		4. Liberty Arsenal.
		5. Conflict Between Harney and Lyon.
		6. Lyon's Investigation of Camp Jackson.
		7. The Attack on Camp Jackson.
		8. Effects of the Camp Jackson Affair.
		9. Harney Endorses Attack on Camp Jackson.
		10. Organization of Missouri State Guard.
		11. Price-Harney Agreement.
		12. War Declared.
		13. Francis Preston Blair.

CHAPTER XIV.

BOONVILLE, CARTHAGE AND COWSKIN PRAIRIE.

182. **Hasty Movements.**—Jackson and Price hastened to Jefferson City immediately after the conference with Lyon, arriving there at two o'clock at night. Before daylight the Governor had issued his proclamation, setting forth in full the propositions of the conference, and asking for fifty thousand volunteers, "for the purpose," he said, "of repelling the attack that had been made on the State and for the protection of the lives, liberties and property of her citizens." He also sent orders to the commanders of the different military districts (mentioned in section 177), to assemble their men and prepare for active service. On the next day he and Price and the State officers, with the State papers, hastily set out for Boonville, General Price having previously caused the railroad bridges over the Osage and Gasconade to be destroyed so as to prevent Lyon's approach by rail, and directed General Parsons, who had collected a small force, to retire to a point along the Missouri Pacific railroad and there await orders. On his arrival at Boonville Jackson found General John B. Clark already there with several hundred men. They continued to arrive during the next two days, and came in little squads from all around the country, but mostly from north of the river where Clark and Price and Jackson were greatly beloved. But Price soon became convinced that it would be impossible for him to hold the river against the superior force of General Lyon, who was rapidly moving up the river. He needed time to organize an army, train the troops who knew nothing at all

of a soldier's duties and to furnish them with guns and ammunition. He, therefore, leaving Jackson and Clark behind him, hastened on to Lexington. His plan was to assume command of the troops who had been assembling at that point, which had been threatened by a large body of Kansas and national forces, and withdraw them to the southwest, where he hoped for time to organize, arm and equip them.

183. Lyon's Movements.—The movements of General Lyon were equally active. Immediately after the conference in St. Louis with Jackson and Price, he telegraphed to Washington for five thousand stand of arms and authority to enlist more troops in Missouri. Both requests were immediately granted. He ordered Colonels Sigel, Salomon and B. Gratz Brown with their regiments to set out for Springfield. Brigadier-General Thomas W. Sweeney was put in command of this expedition, and its object was to intercept Governor Jackson if he should attempt to retreat to Arkansas. Lyon himself took two thousand well trained troops and started by boat next day for Jefferson City. He arrived there on the fifteenth of June, and leaving Colonel Boernstein and three hundred men to hold the city, he himself proceeded up the river. When within eight miles of Boonville, he landed most of his men, and caused the boats to move on past the city with the rest, in order to deceive Jackson as to his real purpose.

184. At Boonville.—The battle of Boonville was fought on Monday, June 17, between Colonel Marmaduke with less than five hundred men, and General Lyon with over three times that number. The engagement was sharp and was kept up for some time. It took place one mile east of the city and resulted in routing Marmaduke, with two men killed and five slightly wounded. Lyon's loss was two men killed and nine wounded. Jackson was now

obliged to beat a hasty retreat to the southwest, which he did with his entire force, including General Parsons who had joined him at Boonville on the very day of the fight with Lyon. Lyon remained at Boonville two weeks waiting for his transportations, and thoroughly discouraging any secession movements by his very presence. This battle of Boonville, trifling as it may appear from the amount of fighting done, proved to be perhaps the most important to the Union cause fought in Missouri during the entire war. It was the first real fight between the State and Union forces and the Union had won. It was fought on the part of the State, by volunteers alone. When these were defeated it almost put a stop to volunteer enlistments in Price's army. The ardor of the Southern sympathizers had led them to believe that Jackson's forces would gain this battle. When he failed they were so discouraged and calmed that they quietly submitted. All north Missouri was now in complete subjection. At Lexington Price was threatened with a force of two thousand, five hundred men from Kansas under Major Sturgis. He therefore ordered his troops to proceed southward under command of General Rains, to join Jackson, and set out himself for Arkansas to induce General Ben McCulloch with a large Confederate army to enter the State and assist in driving Lyon from it.

185. **The Battle of Carthage.**—Jackson retreated southward rapidly. His force consisted of between six and seven thousand men, so badly organized and so poorly supplied with arms and ammunition that it was little better than a mob. At Lamar he was joined by Rains and as he approached Carthage he suddenly found Colonel Sigel in his front, with about a thousand well armed men. On July 5 a line of battle was drawn on a ridge which gently inclined towards Coon creek, about twelve miles from Carthage. About two thousand, six hundred infantry armed

with shotguns and rifles, and one thousand, five hundred mounted men similarly armed, took part in the fight on the part of the State troops. Sigel opened the fight with a steady fire of shot, grape and shell. It was kept up for about an hour, when about two thousand of Jackson's unarmed men were ordered to take shelter in the skirting of woods on his right. Sigel did not know they were unarmed but supposed they were ordered to attack him in the rear, and withdrew his men in good order beyond the creek. There he left Essig's battery and five companies of infantry to



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prevent the State troops from crossing. When the troops got within four hundred yards of the ford they were met by the well directed shots from Essig's battery. Here the hottest fighting of the day followed. But Generals Clark and Parsons managed to cross at another ford, and were about to cut off any possibility of Essig's escape. He therefore fell back to the main body of Sigel's army, who continued his retreat on to Sarcoxie, twenty miles away. Sigel's loss was thirteen killed and thirty-one wounded. Jackson's loss was ten killed and sixty-four wounded. The losses on each side have often been erroneously reported to be three or four hundred.

186. Price Asks Aid of McCulloch.—The day after the battle of Carthage, Governor Jackson entered that city

with his army, and there was met by General Price, who had been successful in Arkansas in inducing General McCulloch to cross the border with several regiments of Confederate and Arkansas troops, and who had on July 5 captured a company of one hundred and thirty-seven men, whom Sigel had left at Neosho for the protection of that town. They also captured what they regarded still more highly, namely, one hundred and fifty stand of arms and six wagons laden with supplies. Here for the first time the State troops came in sight of Confederate soldiers and they were hailed with loud huzzas and great rejoicings. On the ninth of July Price went into camp on Cowskin Prairie, in McDonald county, for the purpose of organizing his army.

187. Governor Jackson Leaves the State.—On July 12 Governor Jackson left for Memphis, in order to persuade General Polk, to whose command all the country west of the Mississippi was attached, to send into Missouri a sufficient Confederate force to re-possess the State. This was now necessary to his fortunes, as it was well known that one of the first acts of the Convention, which had been called to reassemble on July 22, would be to depose Jackson, and elect a Governor of its own choosing, and organize a State government to wield the power of the State against the South. Polk ordered General Pillow to take six thousand men from West Tennessee and move them by way of New Madrid into Missouri. There they would be joined by a force of State troops under Jeff. Thompson. The object was to move upon Jefferson City, threaten St. Louis as they passed, drive the Federal forces from the State and re-establish Jackson at the State capital. General Pillow did move to Missouri but not until it was too late to do Jackson any good. Besides, his movement was only a feint. On August 3, General Fremont with nine large vessels and a large force of troops dropped down the Mississippi river to

Bird's Point, and virtually caused Pillow and Thompson to abandon their invasion, though he did not fire a gun, and in a few days returned to St. Louis.

188. Lyon's Course.—We left General Lyon at Boonville. On the seventeenth of June he issued a proclamation in which he stated the Governor and Legislature had adopted means to effect a separation of the State from the Union, that they sympathized with the secession movement, that constant complaints had been made to him, accompanied by appeals for relief, against the hardships of the Military Bill. This relief he considered it the duty of a just government to give. He remained in Boonville two weeks and then set out to run Jackson down, give him battle and compel him to surrender or drive him from the State.

189. Government's Forces in Missouri.—Before leaving Boonville Lyon had been informed that Missouri had been detached from the Department of the West and added to the Department of the Ohio, commanded by General George B. McClellan. General Blair at once set out for Washington to obtain a revocation of the order making this change. He did not succeed, but finally persuaded the Administration to organize Illinois and all the country west of the Mississippi to the Rocky Mountains into the Western Department under the command of General John C. Fremont who took control July 26 with headquarters at St. Louis. Colonel John D. Stevenson was placed in command of the Missouri from its mouth to Kansas City, given a sufficient force to garrison Jefferson City, Boonville and Lexington, and ordered to protect the loyal inhabitants of adjacent counties, to disperse all gatherings of hostile men and prevent volunteers from crossing the river to Price. All the rest of the State north of the river was intrusted to Colonel Samuel Curtis, who had already occupied parts of it with

Iowa troops. Southeast Missouri was held by an ample force gathered at Cairo, Illinois, under General Prentiss. Then Lyon started for Springfield. He arrived within twelve miles of that place on July 12, and "accompanied by a body-guard of ten stalwart troopers for his especial escort, he dashed through the streets of the city on his iron-grey horse, his bearded warriors being mounted on powerful chargers and armed to the teeth with great revolvers and massive swords." The next day he telegraphed to headquarters that Governor Jackson was in that vicinity with not less than thirty thousand men, and asked for ten thousand additional troops. As a matter of fact Jackson had on the previous day left for Arkansas, and the entire combined force of Lyon's foes did not at any time amount to over fifteen thousand men, armed and unarmed.

190. **Organization of Price's Army.**—Lyon's two weeks delay at Boonville proved invaluable to Price. After the battle at Carthage he led his troops toward Cowskin Prairie, and there had a breathing spell, and began at once a systematic organization of his army and energetic preparations for an active campaign. He had few arms or military supplies of any kind, and no money with which to procure them. But he needed no money to pay the men. They never expected any pay, had never been promised any, but had volunteered their services to fight for the State and to help the Governor maintain its dignity and himself at its head as its rightful executive, as they believed. They were intelligent men; such men imbued with the spirit and purposes which actuated them, can always devise munitions of war. Governor Jackson on leaving the capital had brought along a supply of powder. The lead was taken from the Granby mines near by. One of the officers, Major Thomas H. Price, devised from the trunks of large trees monster molds for buckshot and bullets. There were a few cannons

in the army, but no ammunition for them, either. The way these were prepared is thus told by Lieutenant Barlow, who was an officer of artillery: "One of Sigel's captured wagons furnished a few round shot; with these for a beginning, 'an arsenal of construction' was established. The owner of a tinshop contributed canisters; iron rods which a blacksmith gave and cut into small pieces made good slugs, and a bolt of flannel, with needles and thread, provided material for cartridge bags. A bayonet made a good candlestick, and at night the men went to work making cartridges and filling the bags from a barrel of powder placed some distance from the candle." The work of organizing and equipping the State Guard thus went on apace, and by the end of July it was ready to take the field with an effective force of five thousand men armed with hunting rifles, shotguns, a few cannons and a few army guns, while two thousand more unarmed men were waiting to pick up the guns of those who might be stricken in battle or by disease.

Questions on Chapter XIV.

1. What did Jackson do on his arrival at Jefferson City? (182)
2. How did Price try to impede Lyon's movements? (182)
3. What other preparations for a campaign were made? (182)
4. Describe Lyon's movements. (183)
5. Describe the battle of Boonville. (184)
6. What is said of the importance of this fight? (184)
7. Detail the incidents of the battle of Carthage. (185)
8. What other movements are mentioned? (186)
9. Why did Governor Jackson leave the State? (187)
10. Was this necessary to his fortunes? Why? (187)
11. How far did he succeed? (187)
12. What proclamation did Lyon issue? (188)
13. What did he then do? (188)
14. What is said about the arrangement of the Government's forces in Missouri? (189)
15. What did Lyon at Springfield? (189)
16. How did Price organize his army? (190)

Topical Outline of Chapter XIV.

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|------------------|--|
| ON TO CARTHAGE | { 1. Collection of an Army by Price and Jackson.
2. Lyon's Movements up the River.
3. Battle at Boonville. |
| AND SPRINGFIELD. | { 4. Battle of Carthage.
5. Price Asks Aid of McCulloch.
6. The Governor Leaves the State.
7. Lyon at Boonville.
8. Government's Forces in Missouri.
9. Organization of Price's Army. |

CHAPTER XV.

THE BATTLE OF WILSON'S CREEK.

191. **Forward Movements.**—On the twenty-eighth and twenty-ninth of July General Price, with a force of five thousand armed and two thousand unarmed Missourians, General McCulloch with a brigade of three thousand, two hundred well armed men, and General Pearce with two thousand, five hundred Arkansas troops, in all nearly thirteen thousand men, began to unite their forces near Cassville, fifty-two miles southwest of Springfield. On the thirty-first they started for that city. Lyon learned of the movement next day, but was led to believe they were marching upon the city by separate routes. He determined therefore to attack them in detail and started the same day to meet the force advancing from Cassville. He went twenty-four miles in that direction, but being unable to learn anything about the army in front of him, which was, in fact, the entire forces of Pearce, Price and McCulloch, and fearful that they, with their larger force, would flank him and cut off all communication with Springfield, on Monday, August 3, he returned thither. By this time McCulloch had pretty well lost confidence in "the undisciplined mob" of Missouri troops, and

in order to pacify him General Price, who was a far abler general, yielded to him the chief command. McCulloch followed Lyon toward Springfield to Wilson's Creek, about nine miles southwest. Here he camped in a considerable valley, within reach of some ripening cornfields, which were to be the only subsistence of his army for the next day or two. Near the ford across this creek the valley was narrow, and toward the west was a hill gradually rising from the creek to a height of nearly one hundred feet, and covered with undergrowth and scrub-oak trees. This hill has since been known as "Bloody Hill," and here on Saturday, August 10, 1861, was fought the bloody battle of Wilson's Creek.

General McCulloch still hesitated to move on Springfield and attack Lyon. He delayed till Friday when Price, having heard that General Lyon was greatly perplexed, notified him that unless he moved at once he would resume command himself and make the fight with his forces alone. McCulloch yielded, and that night the combined troops were ordered to rest on their arms prepared to march at any moment. General Lyon, who had always overestimated the size of the armies in front of him, had received no assistance from General Fremont, who was now in charge of the Western Department. Two regiments had been ordered to him from Kansas and the Missouri river. But these could not reach him inside of two weeks. By that time the enlistments of one third of his men would expire, and as they had received no pay, he knew that they would not re-enlist but would return home. He believed it would be defeat to fight. Yet he knew to retreat was to turn over to Price all southwest Missouri, perhaps all the State except St. Louis, to lead thousands of volunteers to join Price's army, to discourage the Union cause and to re-establish Jackson as Governor. Defeat was better than this. He would hazard battle rather

than retreat. Friday, August 9, he ordered Colonel Sigel to set out late in the afternoon with his entire force of one thousand two hundred men, turn the Confederate's right flank and attack them in the rear. He himself set out with four thousand two hundred men. About midnight he halted within two miles of Bloody Hill, and the next morning at dawn started for that point. At five o'clock he came in contact with the advance State forces under Hunter, which fell back over the brow of Bloody Hill. As they did so, Lyon opened on them with his cannon, and immediately Sigel, who had completely gained the Confederate right, responded with his guns upon the eastern outposts. McCulloch hastened off to meet Sigel, and Price to engage Lyon. Price's and Lyon's forces formed within three hundred yards of each other, but the undergrowth kept them entirely concealed. Price deployed 3,100 men under Generals Clark, Parsons, and McBride along the eastern declivity; Lyon, leaving the rest of his men for reserve, took 1,900 of them and formed along the western side, his under officers being the afterward famous Generals Schofield, Totten, Surgis, Granger, Elliott, and Osterhaus. Price waited for Lyon to make the attack. This he did soon after six o'clock. "Forward" rang along the lines and was plainly heard by both sides. Then followed the crackling of the brush through which Lyon's men were advancing, then the sharp click of a thousand rifles, the reply of a thousand shotguns and the roar of the cannon. The battle raged for five hours with desperate fury. "The lines approached again and again within less than fifty yards of each other, and then, after delivering a deadly fire, each would fall back a few paces to re-form and re-load, only to advance again to this strange battle in the woods." Frequently the deepest silence would fall upon the men after one of these charges. The two armies were grappling in a death struggle for Missouri.

About nine o'clock Sigel had been completely routed with very little hard fighting and was in full retreat to Springfield. His men had taken instant flight on the dashing onslaught of the third Louisiana regiment, which they took for Iowa friends. Throwing themselves into the brush, which lined both sides of the road, they became separated. Sigel and Salomon, with about two hundred Germans, and Carr's company of cavalry, started for Springfield, but were suddenly set upon by Colonel Major, with some mounted Missourians and Texans. The Germans being abandoned by Carr, were nearly all either killed, wounded, or captured. Sigel reached Springfield with only one man.

The entire Confederate force, after the defeat of Sigel, was ordered to assist Price in his conflict with Lyon. Seeing all this army concentrating before him, Lyon determined to dash upon Price with all his might and crush him to the ground before these gathering forces could come to his relief. Then followed the hottest fight of the day. "The engagement at once became general and desperately fierce along the entire line, Price's men appearing in front, often in three or four ranks, lying down, kneeling and standing, and the lines often approaching within thirty or forty yards." Walking along in front of his men, now broken down by the long night-march and four hours' hard fighting, the intrepid Lyon encouraged them to make one more effort to win the day. Suddenly, his horse was shot from under him, and he himself was wounded in the head and in the leg. He was stunned for the moment, and was heard to confusedly say he feared the day was lost. Then recovering himself, he mounted another horse and rode gallantly along the lines, waving his hat and urging his men to follow. The soldiers instantly closed around him, and together they dashed into the fight. The next moment a ball had pierced Lyon's breast and he was dead. The command fell on Major Sturgis, who ordered

retreat. The Union forces moved away in perfect order from the field for which they had fought so bravely and so ably.

192. The Results of the Battle.—Of the 5,400 Union men who took part in the fight 1,317 officers and men were killed, wounded or missing. The heaviest loss was by the first Missouri regiment of volunteers (Blair's old regiment) and Osterhaus' battalion which lost three hundred and fifty out of nine hundred and twenty-five men, or about thirty-seven per cent. General Lyon, every brigadier-general and every colonel engaged on Bloody Hill were either killed or wounded, so that the army was led off by a major. The total loss of the Confederate and State troops was 1,230 killed and wounded, out of 10,000 men who in some way took part in the battle. The heaviest loss was among Churchill's Arkansas regiment which lost 197 men out of 500, or thirty-nine per cent. Colonels Weightman, Cawthon and Ben Brown were killed; Foster, Kelly and Burbridge were disabled; Generals Slack, Clark and Price were wounded. The total number wounded, killed and missing on both sides was 2,547, or sixteen per cent. Of the 7,700 men who took part in the battle on Bloody Hill, on both sides, 1,880, or about twenty-five per cent, were killed or wounded. Old soldiers who took part in the battle have frequently corroborated each other in stating that on one acre of the field where the battle was fiercest, at least half the surface was covered with dead or dying men.

193. The Dead.—Major Sturgis reached Springfield about five o'clock with the rest of Lyon's army. In the afternoon he had sent an officer under a flag of truce to beg the body of General Lyon. After the great soldier had been killed his body was borne to the shade of a tree near by, and when retreat was ordered it was obeyed so hastily that the corpse was left behind. It was now conveyed to Springfield

in General Price's own wagon, which he proffered for the purpose. The next morning the whole Union army continued its retreat to Rolla, and in the confusion of starting, Lyon's body was again forgotten. Mrs. John S. Phelps, wife of the afterwards Governor, had it buried in Springfield. Soon afterwards it was disinterred and sent to Connecticut, his native State, and there finally buried. After the battle the Confederates remained on the field which they had won, and ministered to the wounded and buried the dead of both armies. Before sunset on that withering hot day, all those who had died for the Union and all those who had died for the State, and all those who had died for the South, had been laid side by side under the sod.

194. **The Retreat.**—Lyon's army had been completely defeated. It was now at the mercy of Price and McCulloch if they chose to pursue. It had an immense and richly-laden wagon train and other spoils valued at one million, five hundred thousand dollars. These it undertook to conduct safely to Rolla. Its adversaries had come out of the battle with six or eight thousand men who had scarcely fired a gun. Besides, the battle gave them plenty of arms and ammunition. They could also have had this immense army train, and thereby supplies for their army for months. But McCulloch refused to follow up the victory and take easy possession of the fruit which the rules of war made his. He was a Confederate officer in command of a Confederate army. He had been stationed in Arkansas for the defense of Indian Territory. His duty was to defend, not to attack. Missouri was yet in the Union. He had no authority to attack a loyal State. He had repelled Lyon's intended invasion of Arkansas and Indian Territory, and having succeeded he now conceived it his duty to withdraw from Missouri. In vain did Price beg him to lead the forces against the retreating Union army. To have done so would have been to retake the State

within sixty days. Price was unable to accomplish this movement with his forces alone, and before he could undertake it the Union army had increased to many times larger than his own. Sturgis made the trip to Rolla in peace. On the way he was joined by many fugitives, who with their wives and children, cattle and horses, wagons and household goods, were fleeing before the victorious army. On August 17, he arrived at Rolla, one hundred and fifty miles north-east of Springfield.

195. Distinguished Men.—It is worthy of note that at least seven of the officers who took part in the battle of Wilson's creek afterwards became major-generals in the Union army, among whom were Schofield, Stanley, Steele, Sigel, Granger, Osterhaus and Herron; also that twelve of them became brigadier-generals, among whom were Sturgis, Carr, Plummer, Mitchell, Sweeney, Totten and Gilbert. Among the Missourians who rose to the rank of general, were Price, Parsons, Slack, Jo. Shelby, John B. Clark, Jr., Colton Green, and Francis M. Cockrell.

Questions on Chapter XV.

1. What were the Confederate and State forces at the close of July and who were in command? (191)
2. What did Lyon hear and do? (191)
3. How did McCulloch happen to be in command? (191)
4. To what place did McCulloch follow Lyon? (191)
5. In what embarrassed position was Lyon? (191)
6. What would have been the result of retreat? (191)
7. What movement did he and Sigel make? (191)
8. Describe the arrangement of troops on both sides. (191)
9. Describe the battle on Bloody Hill. (191)
10. What success had Sigel had? (191)
11. What further is said of the fight on Bloody Hill? (191)
12. What were some of the results of the battle? (192)
13. What was done with the dead? (193)
14. What is said of the retreat? (194)
15. What distinguished men took part in this battle? (195)

Topical Outline of Chapter XV.

BATTLE OF
WILSON'S CREEK.

1. Movements of Both Armies.
2. Strength of Both Armies.
3. Location of Wilson's Creek.
4. Lyon's Embarrassment.
5. McCulloch's Unwillingness for Battle.
6. The Battle on Bloody Hill.
7. The Engagement with Sigel.
8. Death of Lyon.
9. Treatment of His Corpse.
10. Results of the Battle.
11. The Retreat and Escape.
12. Distinguished Men.

CHAPTER XVI.

THE LAST MONTHS OF 1861.

196. **Actions of the Convention.**—The second meeting of the Convention, which, instead of dissolving after its March session, had only taken a recess to reconvene at the call of its executive committee, was begun in Jefferson City on July 22. Its former president, Ex-Governor Price, had accepted the position of major-general of the State troops, and his seat was declared vacant from that fact. General Robert Wilson, of Buchanan county, was elected president in his stead. The Convention then entered upon some extraordinary proceedings. On July 30 it declared the office of Governor vacant and elected one of its own members, Hamilton R. Gamble, of St. Louis, Governor in Jackson's place. It declared the office of Lieutenant-Governor vacant and elected Willard P. Hall, of St. Joseph, in Mr. Reynolds' stead. It went further and declared the offices of the members of the Legislature vacant and agreed upon a time for electing their successors. Before that time had arrived the election was postponed, by subsequent sessions, till November, 1862, and before an election

was held at all, it passed laws prescribing that no person should be allowed to vote who did not indorse the actions of the Convention. It went still further and began to perform the duties of the General Assembly, and these duties it exercised for seventeen months before giving the people a chance to elect a new Governor in Jackson's place, or a new Legislature in place of the one whose powers it had assumed. These acts of the Convention have usually been excused on the ground of military necessity. That the great mass of the people quietly submitted to such a change, was positive proof that they realized the State was now in the midst of a great war, which required the exercise of new and extraordinary powers of the body which assumed to act for the State; and whether they approved of the course of the Convention or not as being the best policy, it remains true that nearly all its members were conservative, loyal men, who at all times had in mind only to secure peace and keep the State in the Union. As soon as it was certain that the destiny of the State would be safely Union in the hands of a new Legislature, the Convention laid down its assumed powers and permitted the Legislature to exercise them as it had done in former days.

197. Proclamations.—On August 3, 1861, Governor Gamble issued his first proclamation. He announced himself for the Union. He stated that many persons had joined Jackson's or Price's army under a sense of duty to State authority. He announced that they were under no such obligation; that the act of the Legislature by which the State Guard—the name by which Price's troops were known—was organized, had been set aside by the Convention, and, therefore, was not binding on the people of the State. He commanded the State Guards to disband and return home, and the troops belonging to the Confederacy to depart from the State. He promised that all those

citizens in arms who would return to their allegiance to the Union and become loyal and peaceable, should have the Union's protection. On August 24 he issued another proclamation calling for thirty-two thousand men to enlist for six months "to protect the lives and property of the citizens of the State." On August 5 Governor Jackson, who had returned to the State, issued from New Madrid his proclamation which he called the "Declaration of Independence of the State of Missouri." After reciting various usurpations and outrages by the Federal military and civil authorities against the people of Missouri, he declared "in their name, by their authority and on their behalf, the political connection heretofore existing between said States and the people and Government of Missouri is, and ought to be, totally dissolved; and that the State of Missouri as a Sovereign, Free and Independent Republic, has full power to levy war, conclude peace, establish commerce, contract alliances and do all other acts and things which independent States may of right do." This proclamation was pretty generally laughed at. It was issued for the purpose of strengthening the secession cause in Missouri, but gave Jackson's enemies in the Convention and out of it an additional argument for their claim that Missouri could be kept in the Union only by an armed force to fight down all opposition. In November, General Price issued his proclamation, also, in which he said he was ardently "struggling, in behalf of a bleeding country, against the most causeless and cruel despotism known among civilized men," and asked for 50,000 new volunteers. Only a few thousands responded to this call.

198. Fremont's Proclamation.—General Fremont, who was more of a cavalier than a soldier, busied himself in issuing his "emancipation proclamation," which was finally done on August 30. He declared martial law throughout the whole State, suspended the civil courts and declared all

persons who should be taken with arms in their hands should be tried by a court-martial, and, if found guilty, should be shot. He further declared all property of every kind of all persons who had or would take up arms against the United States should be confiscated to the public use, and all their slaves set free. President Lincoln set aside all that part of this "proclamation" which related to confiscation of property and liberation of slaves.

199. Battle of Lexington.—After the battle of Wilson's Creek, General McCulloch withdrew to Indian Territory, General Pearce took his troops back to Arkansas, and General Price started north for the Missouri river. On the thirteenth of September his forces drew up in front of Lexington, and on the eighteenth began besieging the place. The Union troops were well intrenched behind good embankments on Masonic College Hill, the present location of Central College for Young Ladies. General James A. Mulligan was in command with about one thousand and five hundred Missourians and an equal number of Illinois troops. General Price's men numbered about seven thousand fit for service. They made movable breastworks of bales of hemp, under shelter of which they approached within thirty yards of Mulligan's works. The siege was kept up for fifty-two hours. Then Mulligan surrendered. According to General Price the fruits of this victory were three thousand prisoners, five pieces of artillery, over three thousand stand of arms, seven hundred and fifty horses, about one hundred thousand dollars worth of commissary stores and a large amount of other property. He also obtained the restoration of "nine hundred thousand dollars in money which had been taken from a bank in the city." During the siege both armies underwent great hardships. When it first began, thousands of Price's troops, who had not slept or eaten for thirty-six hours, fought desperately all day. When Mulligan

surrendered, his men were entirely out of water, and all they had had during a great part of the siege had been obtained by catching the water of a slight rain in their blankets and then wringing them in buckets.

200. Fremont and Hunter.—After the battle of Lexington, feeling keenly the loss of that important place and the previous death of General Lyon, Fremont took the field himself on the twenty-seventh of September with twenty thousand men well armed. Three days later General Price abandoned Lexington, having held that place only a week, and started southward. Fremont, who had gone to Jefferson City expecting Price would attack him there, also turned southward, following almost the route previously traveled by Lyon. Several little squads of Confederates or State troops were run into along the march to Springfield, and some sharp skirmishing, but no hard-fought battle took place. When the Osage river was reached a rude bridge was constructed after a few days, and all the troops, now swelled to thirty thousand, crossed over and proceeded rapidly to Springfield where Price was supposed to be. On November 2, Fremont received notice that he had been relieved of command and replaced by General David Hunter, who was some distance in the rear. Nevertheless, one hundred and ten of his officers requested him to lead the forces against Price. He stated that unless Hunter came up by night he would do so. Hunter failed to come up. The whole army was preparing to move before dawn, but at midnight Hunter arrived, set Fremont's order aside, then fell back from Springfield and in five days was himself superseded by Halleck, who continued to fall back, and so 1861 closed with no more battles.

201. The Secession Legislature.—While General Price was at Lexington Governor, Jackson issued a call from

that place for the General Assembly to meet on October 21 at Neosho in the southwest corner of the State, where it could be under the shelter of Price's army. Just how many members were present is not known, for the records of its proceedings were lost. Perhaps not a quorum of either



THOMAS C. REYNOLDS.

house. If this were true, its actions could not be binding upon the State. Yet it is true that it passed a secession act by which it declared Missouri withdrawn from the Union. It elected John B. Clark, Sr., and R. L. Y. Peyton to the Confederate Senate at Richmond, Virginia, and eight other gentlemen to the House. For purposes of its own the Confederacy chose to recognize these acts of the Legislature as legal, and

admitted Missouri into the Confederacy. There can be no doubt that many of the people indorsed the action of this Legislature. In fact, ever since the attack on Camp Jackson, public sentiment had been growing for secession. But the Convention, which some months before this declared vacant the seats of the members of the Legislature, still exercised the duties of that body and was sustained by the strong hand of military power. In its subsequent dealings with the State, Congress chose to recognize the Convention as being the only power that could take Missouri out of the Union. Consequently the State never seceded. But after

this "Secession Act" the organization of the State Guard ceased, and all those who "went south" and joined the Confederate army were known as Confederates, although it was more than three months after this before any of them ever saw a Confederate flag. Soon after this Governor Jackson went south and remained out of the State most of the time till his death, which occurred at Little Rock, December 6, 1862. From that time on Thomas C. Reynolds, the Lieutenant-Governor, acted in Jackson's stead till the people elected Thos. C. Fletcher Governor, in 1864. Of course the power he exercised was limited, and was in dispute of the right of Gamble to act as Governor of the State. He appointed members to the Confederate Congress, both House and Senate, and made a few other like appointments, but aside from this he was Governor only in name.

Questions on Chapter XVI.

1. When did the Convention again meet? (196)
2. Whom did it elect President? (196)
3. What did it do about the office of Governor? (196)
4. What did it do as to all other offices? (196)
5. What powers did it assume? (196)
6. On what ground have these acts usually been excused? (196)
7. What proclamation did Gamble issue? (197)
8. What did he command and promise? (197)
9. What was his second proclamation? (197)
10. What proclamation did Jackson issue? (197)
11. What was Price's proclamation? (197)
12. What was Fremont's remarkable proclamation? (198)
13. What became of it? (198)
14. Describe the battle of Lexington. (199)
15. What is said of Fremont and Hunter? (200)
16. Where did the remnant of the Legislature convene? (201)
17. What is said of it? (201)
18. Did Missouri secede? (201)
19. Why not? (201)
20. What were the troops now called? (201)
21. What became of Jackson? (201)
22. What about Reynolds? (201)

Topical Outline of Chapter XVI.

LAST MONTHS OF 1861.	{	1. Second meeting of the Convention.
		2. Convention makes State Officers.
		3. Performs Duties of Legislature.
		4. Proclamations of {
		1. Gamble.
		2. Jackson.
		3. Price.
		4. Fremont.
		5. Battle of Lexington.
		6. Fremont Removed.
		7. The Secession Legislature.

CHAPTER XVII.

EVENTS IN 1862.

202. Order No. 24.—The war had produced local disturbances in nearly every county in the State, and in some localities neither life nor property was safe. But in St. Louis everything was orderly and the Union forces there were in full control. For this reason many avowed supporters of the Union cause had taken refuge in the city. General Halleck, on December 12, issued "Order No. 24," making assessments on certain wealthy citizens of the city, who favored the cause of Governor Jackson or the Confederacy, by which they were required to contribute money for the support of these refugees. Some of these citizens refused to pay the assessments and their property was seized by force. Samuel Engler, a prominent merchant, did not approve of this summary way of taking away his property, and attempted to recover it by suit at law. For so doing he and his lawyer were arrested and lodged in a military prison. After this the assessments were generally paid. This method of raising funds was repeated during the next few years by the vari-

ous little commands stationed at different points in the State and great sums of money were thus obtained.

203. Other Orders.—The Convention at its third session in October had passed a law that no person should hold any civil office in the State who did not, within sixty days, take an oath to support the Union and the acts of the Convention. General Halleck issued an order extending this law to include the Mercantile Library of St. Louis, all the officers of railroads in the State and all the professors in the State University, “which should not be used,” he declared, “to teach treason or to instruct traitors.” Any officer who refused to take this oath was replaced by one who did. The Provost Marshal also issued his order requiring a copy of all newspapers to be sent to him, that their loyalty might be inspected, and if any paper was not so sent it was suppressed.

204. Battle of Pea Ridge.—General Halleck had wintered a large part of Fremont’s army in and around Lebanon, Laclede county, under command of General Curtis, while General Price remained around Springfield. On February 11, 1862, Curtis moved out upon Price who fell back towards Cassville, then across the State line into Arkansas, where he was joined by General McCulloch, and General Albert Pike with a large number of Indians and white troops from Indian Territory. It was as Price’s troops came in sight of McCulloch’s men that they for the first time saw a Confederate flag—about the middle of February, 1862. These, added to Price’s eight thousand Missourians, made a grand army of nearly twenty thousand men, and the whole was placed under the command of General Van Dorn, a courageous and daring officer. Curtis, with perhaps a less number of troops, followed Price at some distance and encamped near Pea Ridge, a little place only a few miles

over the line in Arkansas and about thirty miles from Cassville. Here, early in the morning of March 6, 1862, he was vigorously attacked by Van Dorn, and a bloody battle followed, which was skillfully and desperately fought on both sides. It lasted for three days, with ever-changing fortunes to the opposing forces. At one time it seemed that the Union cause would win, then the opposition, then again the Union. On the third day victory perched on the Federal banner, and the Confederates retreated. The Union loss was one thousand, three hundred and fifty-one killed, wounded and missing. The Confederate loss was about the same. General McCulloch was killed, so was General McIntosh and General W. Y. Slack, of Chillicothe, Missouri, and General Price was wounded in the arm.

205. Price Joins the Confederacy.—One month after the battle of Pea Ridge General Price published an order in which he bade farewell to the State Guard. Shortly afterward he was transferred to the east side of the Mississippi with about five thousand State troops who had followed him into the Confederacy, and from this time on they were known as Confederate troops. They were from time to time joined by other Missourians, but it is not likely that the number ever exceeded ten thousand men. Of their subsequent career it is not proper here to speak. Suffice it to say that this band of men fought on till the ninth of April, 1865, and on that day, the very one on which Lee surrendered, their number now reduced to four hundred, they fired their last gun at Fort Blakely on the Gulf of Mexico.

206. State Militia.—The State Convention, which held its third session in October, 1861, had also passed a Military Bill, not greatly unlike the Military Bill passed by the General Assembly in May, which had been urged by Lyon and the Convention as one cause for attacking

Camp Jackson. This bill provided for the organization of the supporters of the Convention and the Union cause throughout the State, under the name of the "Missouri State Militia." Companies of these were enlisted in nearly every county, and among the prominent officers thereof, who were then or have since been prominent citizens of the State, were Col.



JOHN F. PHILIPS.

John F. Philips of Pettis, Colonel T. T. Crittenden of Johnson, Major A. W. Mullins of Linn, Colonel John F. Williams of Macon, and General Odon Guitar of Boone.

207. Missourians in Opposing Companies.—Early in April General Halleck set out for Corinth, Mississippi, and left General Schofield in command in Missouri. Governor Gamble appointed him Brigadier-General of Missouri State Militia, with power to call as much of it into active service as might be required to put down all marauders. Confederate companies for opposing these were also organized, and as a result most of the battles and skirmishes thereafter took place between these opposing companies of Missouri citizens. A few of the most important will be noticed.

208. Porter, Poindexter, and Guitar.—Colonel Jo. C. Porter led a band of marauding secessionists in the northeastern part of the State. They were first attacked by

Colonel H. S. Lipscomb, with four hundred and fifty State militia, in Schuyler county, early in July, 1862. Driven out of this county they passed rapidly into Scotland, Marion, and Warren counties, and on July twenty-second suddenly fell upon Major H. C. Caldwell (now United States Circuit Judge of the circuit of which Missouri is a part) at Florida, in Mouroe county. Porter then turned south, and was met at Brown's Spring in Callaway county on July twenty-seventh by Colonel Guitar with about four hundred State militia, and Major Caldwell with a part of the third Iowa. The fighting was desperate, many were killed and wounded on each side, and Porter was defeated.



ODON GUITAR.

Porter now retreated rapidly to the north and near Kirksville was joined by J. A. Poindexter; and their combined forces of over one thousand, five hundred men made a stand in this town. They were attacked August sixth by General John H. McNeil, aided by "Merrill's Horse," and were terribly defeated, sustaining a loss of over two hundred killed, wounded, or captured. Among the prisoners were seventeen men who were charged

with having taken up arms after being released upon their oath to bear allegiance to the Union. These were condemned to death and shot. The remnant of Porter's force retreated southward and was met at Compton's Ferry, on Grand river

in Carroll county, by Colonel Guitar, who, by attacking him while crossing the river, caused great confusion among his men and completely broke up his band. Guitar also encountered Poindexter on Yellow creek in Chariton county, and routed him completely. For these gallant achievements Governor Gamble promoted Guitar to the rank of Brigadier-General of Enrolled Missouri Militia.

209. **McNeil at Palmyra.**—About the time of his retreat and raid southward through Marion county three of Porter's men had captured Andrew Allsman, who had formerly been a Union soldier, but, being too old to endure the active duties of the service, had returned home, and, being well acquainted in the county, was frequently called upon for information as to the loyalty of certain citizens and to accompany scouting parties in search of suspected persons. He had also needlessly busied himself as a tale-bearer to officers of the State militia and otherwise made himself odious to the Confederate element. After his capture General John H. McNeil had published in the papers a notice to Porter that unless Allsman was returned within ten days, ten captured men, who he alleged had belonged to Porter's band and had violated their paroles, when in fact some of them had never been in arms, would be put to death. It was not then known whether Allsman had been killed or not, but as he never returned there can now be no doubt of it. At the end of the ten days the ten men, who were not responsible for the arrest or absence of Allsman, were taken from the Palmyra prison, put into wagons, each one seated on his coffin, and driven a half mile east of town. Then the coffins were removed and placed in a row a few feet apart, each of the men was made to kneel beside his coffin, and then thirty soldiers of the second Missouri State Militia were commanded to fire, and this terrible crime against humanity stood, and still stands, as a dark spot in American history.

210. Disfranchisement and Soldiers at the Polls.

The Convention elected on the eighteenth of February, 1861, had in June, 1862, passed a law that no person should vote who had been found in arms against the Government of the United States or the provisional government of Missouri since December 17, 1861, or "who had directly or indirectly given aid, comfort, or countenance to the enemies or opposers thereof." The resolution was first introduced by Ex-Governor R. M. Stewart. It disqualified many men who had before this been voters. As to those who had actually taken up arms this measure worked no hardship while the war lasted, for they showed no desire to vote anyhow. But it disfranchised many persons whose only crime was that they were relatives or friends to those who had taken up arms. At the election held in the following November, the soldiers were at the polls with their guns. They were there to prevent any one from voting who was disqualified by the act of the Convention. Soldiers at the polls are always objectionable to a people accustomed to governing themselves; but in this case the objection was great, because they were there to aid in enforcing a law which prescribed a punishment for an offense which had been committed before the act was passed, and which disqualified almost as many more men as had ever taken up arms. But, at the election in 1863, the soldiers were required to vote in their camps, and this proved more satisfactory to the people.

211. Emancipation Efforts.—None but Union men voted in 1862; hence none but Union men were elected. The only question which divided the voters was emancipation of slaves; whether they should be freed at once, or after ten or twelve years, or with or without pay to their owners, or whether they should be freed at all. County officers, members of Congress, and members of the Legislature were elected. The emancipationists were successful. They had

a large majority in the House of Representatives of the Legislature, which met on the last Monday of December, but not two thirds of both houses. They could not, therefore, pass an emancipation act. The State Constitution stood in their way. It forbade the Legislature to free slaves except by paying full value for them before being freed. Such payment could not well be made by a State already heavily in debt from the war. Emancipation could come through the Legislature, then, only by an amendment to the Constitution. This could be made only by two thirds of all the members of each house in two successive Legislatures. This number of one Legislature were required to first vote for the amendment. Then it had to be published in all the papers in the State a year before a general election. If the next Legislature after such an election, by two thirds of each house should vote for the amendment, it became a part of the Constitution. This was too slow a process for the emancipationists. They had only a majority in the present Legislature. It was not known that they would have that in the next one. Emancipation would be delayed four years, perhaps longer. The Convention must be appealed to. It was thought it had unlimited power. If not, perhaps it would assume it. Governor Gamble was requested to call another session of the Convention. He did. It met in June, 1863.

Questions on Chapter XVII.

1. What was order No. 24? (202)
2. How did Engler try to escape it? (202)
3. Did any one except Hallet try this method of raising money? (202)
4. What other orders are mentioned? (203)
5. Describe the battle of Pea Ridge? (204)
6. What did Price now do? (205)
7. How many men followed him? (205)
8. What is said of the State militia? (206)
9. Mention some of the prominent officers. (206)

10. What is said of Missourians in opposing companies? (207)
11. Recount the movements detailed in section 208.
12. What is said about the killing of ten men at Palmyra? (209)
13. For what were men disfranchised at the election in 1862? (210)
14. What about soldiers at the polls? (210)
15. What question divided the voters at the polls in 1862? (211)
16. Why could not the Legislature emancipate slaves? (211)
17. How could the Constitution be amended? (211)
18. To whom was an appeal made? (211)
19. When was the convention held? (211)

Topical Outline of Chapter XVII.

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| EVENTS OF 1862. | { | 1. Assessments on Private Citizens. |
| | | 2. Ousting Officers. { 1. By the Convention. |
| | | 2. By Halleck. |
| | | 3. Inspecting Newspapers. |
| | | 4. Battle of Pea Ridge. |
| | | 5. Price Joins the Confederacy. |
| | | 6. State Militia. |
| | | 7. Opposing Missourians. |
| | | 8. Porter, Caldwell, Poindexter, and Guitar. |
| | | 9. McNeil at Palmyra. |
| | | 10. Disfranchisement and Soldiers at the Polls. |
| 11. Efforts at Emancipation. | | |

CHAPTER XVIII.

PRINCIPAL EVENTS OF 1863 AND 1864.

212. **The Convention Adjourns.**—The last session of the Convention which began its first session March 4, 1861, was held in June, 1863. An "ordinance" was passed declaring all slaves free after July 4, 1870, but all those over forty years old should remain under the control of, and be subject to, their owners for the rest of their lives; those under twelve years, until they were twenty-three years old; and those of all other ages until the fourth of July, 1876; but

none were to be sold after July 4, 1870. The Convention also declared that all parts of the State Constitution in conflict with this ordinance were void and "hereby abrogated." It adjourned *sine die* July 1, 1863. It will be seen hereafter that this ordinance, which the Convention had no authority to pass, and which was therefore void, was supplanted by another law before the time arrived for its enforcement.

213. New Senators.—Trusten Polk and Waldo P. Johnson had been expelled from the United States Senate in 1862, because of their secession sentiments and their aid to the secession movements. Robert Wilson of Andrew, and John B. Henderson of Pike, were appointed to the vacancies by Lieutenant-Governor Hall, in the absence of Governor Gamble. In January, 1863, the General Assembly elected Mr. Henderson to fill out the unexpired term of Polk, and then elected him to serve six years till March 4, 1869, but elected none to fill out Mr.



JOHN B. HENDERSON.

Johnson's term, which would terminate March 4, 1867, but in the following November it elected B. Gratz Brown for a term expiring March 4, 1867. Mr. Henderson gained national reputation in his vote for acquittal in the impeachment trial of President Johnson, and as the author of the

Thirteenth Amendment to the Constitution of the United States abolishing slavery.

214. The Sacking of Lawrence.—That a rank growth of general freebooting should have sprung up along the border in both Missouri and Kansas was to be expected from the lawless state of affairs which has been recounted under the head of “Kansas Troubles.” The war opened a wider field for spoliation. Early in the struggle appeared a band of “jayhawkers,” known as “Red Legs,” because they wore red morocco leggings. The band was originally devoted to horse stealing, but became flexible enough to include rascals of every kind. At intervals the band would dash into Missouri, seize horses and cattle, commit other and worse outrages, then return with their booty to Lawrence and sell it at public auction. They did not hesitate to shoot people who objected to their acts or inquired into their doings. Mr. Spring, an honorable Kansas historian, says: “The gang contained men of the most desperate and hardened character, and a full recital of their deeds would sound like a biography of devils.” The people of Lawrence could not drive them out or put a stop to their maraudings, and so their course of robbery, rapine and murder went on. The depredations of these men, the campaign of Lane into Missouri some time before, and the troubles dating back to 1854, led to the awful destruction of Lawrence on August 21, 1863. Quantrill, who led the raid, once lived in Lawrence —“a dull, sullen, uninteresting knave”—and, just as the war began, was driven from the town to Missouri for some misbehavior. He now returned at the head of a band of Missouri bushrangers. They rode quietly into Kansas, traveled forty miles the night before the massacre and reached Lawrence at daybreak, one hundred and seventy-five strong. Armed with revolvers, they were commanded to “kill every man and burn every house.” With a wild cry, like that of

savage Indians, they dashed through the sleeping and defenseless town, killing men indiscriminately, but especially butchering all Red Legs to be found. In the meantime they shouted—"We are here for revenge, and we have got it!" Stores, banks, hotels, and dwellings they rifled and then set them on fire, and of the dead one hundred and eighty-three were counted; and from this sickening scene—the town in flames, the principal streets lined with corpses, many of them charred and blackened—the guerrillas galloped away, easily evading Major (late Senator) Plumb with two hundred and fifty Union troops, whom they passed on the way and escaped. "Order No. 11" was four days later issued for the purpose of taking reprisals for this raid on Lawrence, and making it impossible for such men to live in border counties.

215. **Order No. 11.**—On August 25, 1863, General Thomas Ewing, of the Eleventh Kansas Infantry Volunteers, issued from his headquarters at Kansas City an order which has become famous as "Order No. 11," and which shows the biting misery the people then had to endure on account of the fratricidal war which was being carried on, not by great generals and brave soldiers in open and honorable battle, but by roving bands of guerrillas of both armies, whose purpose was to murder, rob, and despoil, almost as much as to maintain the authority of the Union or establish the authority of the Confederacy. Order No. 11 commanded all persons then living in the counties of Cass, Jackson, and Bates, except those living in the principal towns, to remove from their places of abode within fifteen days. All persons who could show to the nearest military commander that they were loyal citizens, were permitted to move to the military stations or to Kansas. All other persons were to move entirely out of these counties. Their grain and hay were to be taken to the nearest military station, where the owners were granted certificates showing

their value, and all produce not so delivered was to be destroyed. The military commanders were directed to see this order promptly obeyed, and they did so with dire earnestness. The whole district soon presented a scene of desolation rarely equaled. Cass was almost wholly depopulated. Of its ten thousand inhabitants only about six hundred remained in the county, and these were gathered at the military stations of Harrisonville and Pleasant Hill. There was also an immense destruction of property. Immediately after the close of the war it was estimated that at least one third of the houses had been burned and one half of the farms laid waste. In Bates results were still worse. Within fifteen days nearly every inhabitant had crossed its border, and for three years its history was a blank. During these years the prairie fires swept over the land, adding to the desolation, and when, in 1866, the older inhabitants returned, not a vestige of their old homes was left save the blackened chimneys rising above the rank weeds. From these reasons these counties were, for a score of years, known as "The Burnt District." A member of General Ewing's staff was Colonel George C. Bingham, who opposed the issuing of this order, and begged Ewing not to issue it. When Ewing persisted, he became defiant and told him if he did so he would make him "infamous." Being one of the finest artists in the State, after the war closed he painted "Order No. 11." The painting became very celebrated, was copied, and can to this day be found in some Missouri homes. But as soil can not be destroyed, after the unhappy conflict had closed, many old soldiers from either army settled in these counties, and to-day they are among the most prosperous in the State.

216. Radicals and Conservatives.—The campaign in the fall of 1863 excited much interest. Those who approved of the Convention's ordinance emancipating slaves, who supported the administration of Governor Gamble and

the actions of the Convention, and opposed Order No. 11, and other kindred acts, were called Conservatives. Those who favored the freeing of the slaves at once, who wanted all the management of the war, together with the State and Enrolled Militia, turned over to the national Government, who opposed the administration of Governor Gamble, and who favored more rigid election laws, were called Radicals. Much interest was taken in this campaign. The Conservatives were successful, electing their three judges of the Supreme Court by a majority of only a few hundred out of a total vote of ninety-three thousand, seven hundred and seventy-seven.

217. Price's Raid.—In January, 1864, General Rosecrans had succeeded to the command of the Western Department. The first formidable force he was called upon to resist was General Price, who, since the battle of Pea Ridge, had been in Arkansas and the South. Early in September Price started upon a bold dash through the State, which has been known as "Price's Raid." He entered southeastern Missouri with a large force. At Pilot Knob he met General H. S. Ewing with twelve hundred men, who gallantly held his position for a time, then spiked his guns, blew up his magazine, and retreated to Rolla to join his forces with General McNeil's. His loss had been about ten men, while Price's had been several times that number. The Union forces from every part of the State were now concentrated at Jefferson City to defend the capital, and the whole was in command of General Brown, ably re-enforced by General Clinton B. Fisk from north of the river, and General McNeil from Rolla. Price moved rapidly in that direction, burning the bridges behind him so as to impede pursuit. On October 5 he met the outposts of the Union army at the Osage river, under command of Major A. W. Mullins and Colonel John F. Philips. They gradually fell back with

slight skirmishing as he approached. Price soon found the capital well intrenched, and a large army prepared to resist any attack. He therefore moved onward towards Boonville and Lexington, hotly pursued by General A. J. Smith. Soon a very heavy Union force, under command of General Pleasonton, was in pursuit of Price, whose army was now being rapidly increased by recruits. In Saline county he sent General Jo. Shelby and General John B. Clark, Jr., to attack Glasgow, on the opposite side of the river in Howard county, which they easily captured. At Little Blue creek in Jackson county, Price encountered General Curtis, and a sharp contest for a few hours was waged, when Curtis fell back. But on the twentieth his forces were defeated at Independence by Pleasonton. Price had been disappointed in the small number of recruits he had gathered. The number had not been over six thousand and the raid had accomplished nothing, and so he hastily retreated to Arkansas, his troops on the way undergoing the greatest hardships for lack of food and water. He entered the State no more till the war was ended. During the raid Price had marched one thousand, four hundred and thirty-four miles, and fought forty-three battles and skirmishes.

218. The Centralia Massacre.—On September 27, 1864, a band of over two hundred murderous outlaws, under the command of the notorious guerrilla chief, Bill Anderson, made a dash upon Centralia, a small town upon the Wabash railroad in the northern part of Boone county. They first employed themselves in robbing the stores of their goods and private citizens of their money, and when the train arrived from St. Louis they robbed the passengers of their money and jewelry. On board the train were twenty-three Federal soldiers. These surrendered, but were taken to the edge of the town and shot, while begging for their lives. Such was what is known as the "Centralia Massacre."

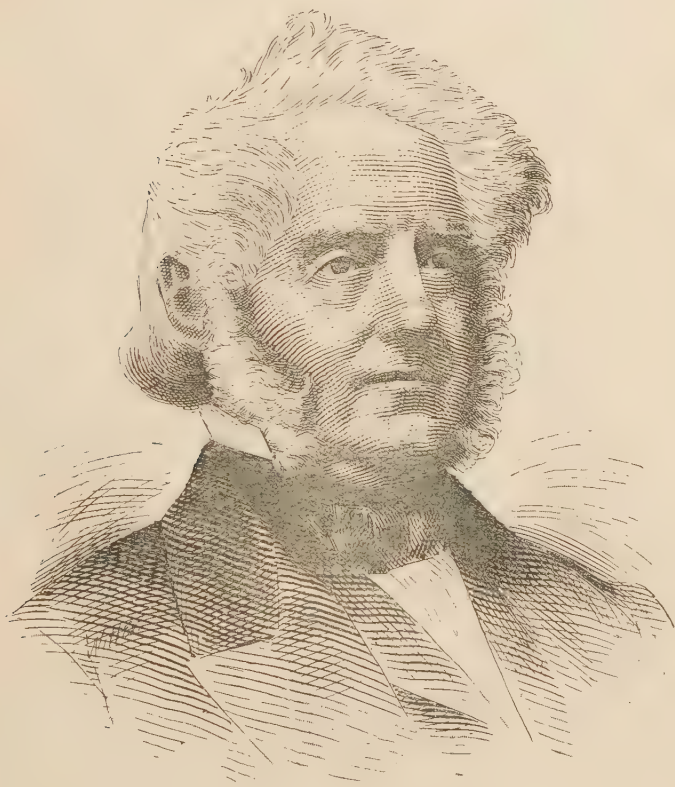
Then they returned, set fire to the train, and set it in motion to run at its will, and the whole was burned. Later in the same day the guerrillas were attacked by Major Johnson, who was in the neighborhood, with one hundred and fifty militia. The lines of battle were drawn up just at the edge of town. Anderson's followers dashed with tremendous ferocity upon Johnson's force, and sixty-eight of them were killed at the first fire, so accurate was the marksmanship of the guerrillas. Johnson's men fled in every direction, but were overtaken, and seventy-three of them were killed and robbed. The guerrillas had only two killed. Anderson, after this massacre, began burning the towns and bridges and depots along the railroad, and a month later was met in Ray county by Colonel S. P. Cox, with a company of Enrolled Militia from Caldwell and Daviess counties, and killed.

219. Other Engagements.—It would be a mistake to suppose because Price was outside the State during the greater part of the war, that therefore there was peace and order. The important battles have been mentioned, but this was not all the war nor the greater part of it. According to the official records, between the time of the capture of the Government arsenal at Liberty, on April 20, 1861, and the twentieth of November, 1862—a period of nineteen months—over three hundred battles and skirmishes had been fought within the State. During the next two years it is estimated there were one hundred and fifty more, but they were relatively more destructive of life. So here is a total of four hundred and fifty battles and skirmishes for the entire war, an average of four for every county in the State. North of the river these engagements were mostly between the State or Enrolled Militia, and regularly enlisted Confederates who were attempting to make their way south to join the regular army. It was to prevent them in this attempt that these skirmishes were fought. But, never-

theless, many of them "went south," as it was then described, and fought on till peace was established. Most of them went after the battle of Pea Ridge, from which time the State was practically under the control of the Union authorities, and no Confederate army of any consequence was in the State till the time of Price's raid, nearly two years and a half afterwards.

220. The Number of Soldiers.—But the number of these men that "went south" was not as large by far as is usually supposed. The entire number that enlisted during the last three years of the war was less than twenty thousand. Add to these the ten thousand who had joined Price east of the Mississippi, and ten thousand for those who either returned home after the battle of Pea Ridge, or had prior to that time served as State Guards, and the number is swelled to the grand total of forty thousand men, which will include all the soldiers that Missouri furnished to Jackson and the Confederate service. But the number of Union enlistments reached the magnificent array of one hundred and nine thousand, one hundred and eleven men, which was thirty-three thousand more than the number furnished by Iowa, eighty-nine thousand more than by Kansas, and three fourths as many as by Massachusetts, and is an undeniable answer to all assertions that Missouri was ever disloyal to the Union. Of these one hundred and nine thousand, one hundred and eleven, eight thousand were negroes who had formerly been slaves. The Provisional Government had been so successful in managing the affairs of the State that it established order over a great part of it, and answered every call made by the national authorities upon Missouri for men without a draft and with a small expenditure of money. The number of Union soldiers was forty-seven per cent of the entire number of men of military age, and the number furnished both armies was sixty-four per cent of those subject to military

duty. These figures become more instructive when it is remembered that in 1860 Mr. Lincoln obtained only ten per cent of the State's vote.



HAMILTON R. GAMBLE.

221. **Hamilton R. Gamble.**—Governor Gamble having died on January 31, 1864, aged sixty-six, Lieutenant-Governor Willard P. Hall became Governor. Hamilton R.

Gamble was born in Virginia, in 1798, and was of Irish descent. He was educated at Hampden-Sidney College. Before he was of age he was admitted to the bar in three States. In 1818 he moved to Franklin, Howard county, and was shortly afterward appointed prosecuting attorney. At that time the territory of Howard embraced nearly one third of the present State. In 1824, Governor Bates appointed him Secretary of State, which required him to move to St. Charles, the then capital. Soon afterward, on the death of Bates, he settled in St. Louis, and made that his home till his death. After he took up his home there he soon established a reputation as a great lawyer, and from that time on was connected with almost every important suit pending in the St. Louis courts—followed them to the Supreme Court of the United States, argued them in person and obtained a high reputation as a jurist. In 1846 he was a member of the Legislature. In 1852 he became Chief Justice of the Supreme Court, and served for three years, being at the time a Whig. When the important question of secession was submitted to the people, he earnestly and ably espoused the cause of the Union, and was elected without opposition to the Convention which was to decide Missouri's course during the war, and was made chairman of the committee on Federal relations, and wrote the report against secession which was adopted. When Claiborne Jackson was deposed as Governor, Mr. Gamble was elected to the office of Provisional Governor by the Convention. He assumed the duties of Governor August 1, 1861, and exercised them till his death. He was chosen for only one year, but by a vote of the Convention, in June, 1862, he was to continue in office till after the election in November, 1864. His powers as Governor were great, but he exercised them with a steadfast purpose to restore peace.

222. **Willard P. Hall.**—Willard P. Hall was born at Harper's Ferry, Virginia, in 1820, and was of New England

stock. He graduated at Yale College at the age of nineteen, at twenty-one he was admitted to the bar at Huntsville, Missouri, settled in St. Joseph in 1842, and gave such evidence of his ability that the next year Governor Reynolds appointed him circuit attorney. In 1844 he was Presidential elector on the Democratic ticket and carried the vote of his State, which had been cast for James K. Polk, to Washington. The next year he joined Doniphan's regiment for service in the Mexican War. General Kearney detailed him to draft a code of laws for New Mexico, which he did, and so successfully, that much of it has remained the law of that Territory to this day. In 1847 he went to Congress, and was a member of that body for six years. He then resumed the practice of law and the management of his large farm near St. Joseph, and gained the reputation of being one of Missouri's greatest lawyers. He was elected to the Convention in 1861 and became one of its prominent members against secession. When Thomas C. Reynolds was deposed as Lieutenant-Governor, he was elected by the Convention in his stead, and when Mr. Gamble died he became Governor, and served as such about one year.



WILLARD P. HALL.

Questions on Chapter XVIII.

1. When did the Gamble Convention hold its last session? (212)
2. What action in reference to slavery did it take? (212)
3. Had it any authority to pass such an ordinance? (212)
4. What caused two vacancies in the U. S. Senatorship this year? (213)
5. Who were appointed and elected? (213)
6. What is said about the Red Legs? (214)
7. What is said of Quantrill? (214)
8. And of the sacking of Lawrence? (214)
9. What counter movement did General Ewing make? (215)
10. What was order No. 11? (215)
11. What were its effects? (215)
12. What is said of Bingham and his picture? (215)
13. What were the issues in the campaign of 1863? (216)
14. Describe Price's raid. (217)
15. What was accomplished by it? (217)
16. What is said of the Centralia Massacre? (218)
17. And of the subsequent fight near Centralia? (219)
18. What is said of the other engagements? (219)
19. How many in all? (219)
20. How many Missourians in the State Guard and in the Confederacy? (220)
21. How do you arrive at this? (220)
22. How many on the Union side? (220)
23. What percentage of the population? (220)
24. Give sketch of life of Gamble. (221)
25. Give sketch of life of Willard P. Hall. (222)

Topical Outline of Chapter XVIII.

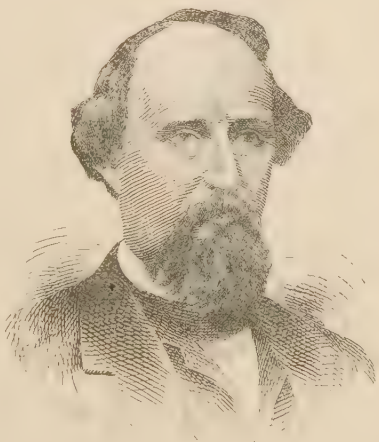
PRINCIPAL EVENTS
OF 1863 AND 1864.

- | | |
|---|---|
| { | 1. Convention's Emancipation Ordinance. |
| | 2. New Senators. { 1. Wilson.
2. Henderson.
3. Brown. |
| | 3. Sacking of Lawrence. { 1. Red Legs.
2. Quantrill.
3. Results. |
| | 4. Order No. 11. { 1. Cause.
2. Terms.
3. Effects.
4. Picture. |
| | 5. Radicals and Conservatives. |
| | 6. Price's Raid. |
| | 7. Centralia Massacre. |
| | 8. Number of Engagements. |
| | 9. Number of Soldiers. |
| | 10. Hamilton R. Gamble. |
| | 11. Willard P. Hall. |

CHAPTER XIX.

THE ADMINISTRATION OF GOVERNOR FLETCHER.

223. Thomas C. Fletcher became Governor January 2, 1865, and served till 1869. He was the first Republican, the first native-born, and the youngest, Governor of Missouri up to that time. He received seventy-one thousand, five hundred and thirty-one votes, and his Democratic opponent, Thomas L. Price, received thirty thousand, four hundred and six. He was born in Jefferson County, January 22, 1827, and in early life received a limited education. This defect he remedied by hard and persistent study while serving as deputy clerk of the courts of his county. Afterwards he was elected clerk of these courts, and in 1856 was admitted to the bar. In 1860 he advocated the election of Mr. Lincoln, and soon afterwards warmly indorsed the course of Lyon and Blair. He recruited the thirty-first Missouri regiment of infantry and was made its colonel; was wounded and captured, and in 1864 was nominated for Governor while serving as brigadier-general under Sherman, in Georgia. He opposed the wholesale disfranchisement of the Drake



THOS. C. FLETCHER.

Constitution and did what he could to have it repealed; but while it remained the law he enforced it with firmness and vigor. He has never held office since being Governor.

224. The Constitution of 1865.—The General Assembly had submitted to the people, at the election in 1864, a proposition for a Convention to amend the Constitution. It was voted to have the Convention by a majority of twenty-nine thousand, and sixty-six delegates were elected thereto. It met in the Mercantile Library hall in St. Louis, in January, 1865, and elected Arnold Krekel president and Charles Drake vice-president. It in time adopted a Constitution which never had a parallel in America for its rigid severity. It became known in history as the "Drake Constitution," because Charles D. Drake was the leading spirit in the Convention, and from this fact and its extreme severity, has been called the "Draconian Code," in comparison to the laws of Draco of Greece, which affixed the penalty of death alike to petty thefts and murder, Draco justifying them by saying small offenses deserved death, and he knew no greater punishment for great ones.

225. Manumission Day.—The Convention, on January 11, 1865, passed an ordinance which declared that "hereafter in this State there shall neither be slavery nor involuntary servitude, except in punishment of crime whereof the party shall have been duly convicted, and all persons held to service or labor as slaves are hereby declared free." This ordinance received an overwhelming majority on final passage, sixty delegates voting for it and only four against it. The Convention refused to submit this ordinance to the people by a vote of forty-four to four, and Governor Fletcher the next day issued his proclamation that "henceforth and forever no person shall be subject to any abridgment of liberty, except such as the law shall prescribe for the common

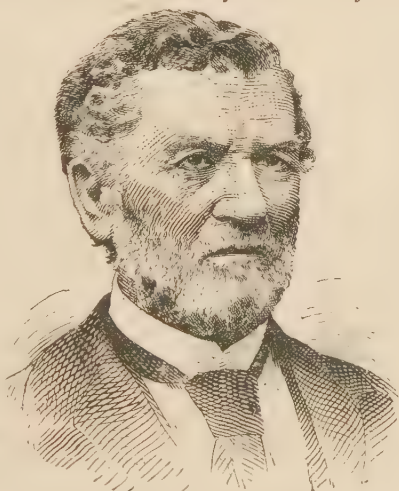
good, or know any master but God." An effort was also made in the Convention to "pay loyal owners for their slaves," but this, too, failed by a vote of forty-four to four. This ordinance was passed January 11, 1865, and for that reason this day has since been known as Manumission Day. But for a number of years there had practically been no slavery in Missouri, the slave owners making little or no efforts to restrain their slaves. There had been one hundred and fourteen thousand, nine hundred and thirty-one of them in 1860, and by this time many thousands had either gone off to other States or enlisted in the army.

226. **The Test Oath.**—The action of the Convention in passing the Manumission Act was not objected to by the

people, although the Convention had no authority to declare it to be in force until it had been either adopted by two successive legislatures or approved by the votes of the people.

However, had the Convention stopped at this, no one would have thought of calling its declarations the "Draconian Code." But it went further and prescribed a "test oath,"

which prevented at least one third of the people from voting till 1872, and almost as many more would have been disfranchised had they sworn strictly to the truth when they came to take that oath. This test oath declared that no person should vote or hold any kind of office, who had "ever"



CHARLES D. DRAKE.

engaged in hostilities, or given aid, comfort, countenance or support to persons engaged in hostilities, against the Government of the United States; or had given money, goods, letters, or information to its enemies, or by act or word manifested his adherence to the cause of such enemies, or his sympathy with those engaged in carrying on rebellion; or had ever been in anywise connected with any society unfriendly to such Government; or had ever knowingly harbored, aided or countenanced any person engaged in guerrilla warfare; or had ever done any act to prevent being enrolled in the military service of the Union or the State. Any person who had done any of these things, or any other thing like them, could not vote, teach in any public or private school, practice law, preach the Gospel, "or be competent as a minister of any religious denomination, to preach, teach, or solemnize marriage, unless such person shall have first taken said oath." It did not only require allegiance and loyalty to the Union from that time on, which would have been a just and wise provision, but it applied to all men who had ever borne arms against the United States, or had sympathized at any time with those who did take up arms, or had done them acts of common kindness, or had refused to bear arms for the national Government. All citizens attempting to teach or preach without taking this oath were to be fined not less than five hundred dollars, or committed to prison not less than six months, or both; and if they falsely took it, they were to be tried for perjury and punished by imprisonment in the penitentiary.

227. A Retrospective Law.—An effort was made in the Convention to change the words "has ever" been guilty of the things recited as offenses in the oath, to "who has since December 17, 1861," been guilty of them. This was done for a very just reason. On August 3, 1861, Governor Gamble issued a proclamation in which he promised

that all citizens in arms who would return to their homes, and become peaceable and loyal, should not be molested. This proclamation was indorsed (1) by President Lincoln, who promised to such persons the protection of the national Government. (2) The Convention of 1861 had, in October of that year, promised that all persons who would obey this proclamation and take the oath of allegiance to the Government before December 17, 1861, should not be punished "for offenses previously committed." Many citizens in the State had thereupon taken this oath of allegiance. Others had returned from Jackson's support and become loyal citizens. It was but just that good faith should be kept with these men, and that the "test oath" should not be made to apply to them. But the Convention thought otherwise. The iron-clad oath was made to apply alike to all time, past and future.

228. Ousting the Officers.—The Convention, on March 17, 1865, passed an ordinance vacating the offices of the judges of the Supreme Court and of all the Circuit Courts and all the county offices. The ordinance was to take effect May 1, and was never submitted to the people. It gave the Governor the power to fill all these offices by appointment. Many of the terms of the officers, all of whom had been elected by the people, had not expired, notably those of the Supreme Judges. They had been elected for a term of six years, and had served not more than fifteen months. The reason assigned for this wholesale removal was that only loyal men should be in office. This was delusive, for Governor Hall in his last message on the twenty-ninth of December previous, had announced that "all of the civil offices of the State are filled with men of avowed loyalty." The real reason was to get rid of the Supreme Court judges. But there were great obstacles in the way of their removal. It

was not yet sure that the people would adopt the new Constitution. To submit the question of removal to them along with the Constitution might result in the defeat of both; the people would see no use in turning out officers elected only a short time before. By the old Constitution, which was the supreme law until replaced by a new one, they could be removed only by the Legislature, which would not meet till January. By that time the Supreme Court might set aside the test oath and other portions of the Constitution. That method was too slow. The power of removal had not been granted to the Convention when the people elected their delegates. It could be assumed only in violation of the old Constitution, which had been in effect since 1820. It was assumed, and with one fell sweep the offices of all judges and all county offices were vacated.

229. Defeat Forestalled.—The Convention agreed to submit their Constitution to the people for indorsement. But to make sure that it would not be rejected, they also passed an “ordinance” declaring that no one should vote for or against it who would not first take the test oath. In order to be sure that none took the oath falsely, a system of registration of voters was provided for. The registering officer was given the power to pass upon the qualifications of all persons to vote, and if he deemed any of them could not truthfully take this oath, he refused to enter their names upon the poll books. Yet, after these extreme precautions, the Constitution was adopted by the people by a majority of only about 1,800 out of a total vote of 85,000, which was 55,000 less votes than were cast for and against having the Convention the previous November. The election was held June 6, 1865.

230. Enforcing the Ousting Ordinance.—The American people have always been quick to resent any

interference by a legislative body with the judiciary, especially when it partakes of partisan politics. This "ousting ordinance" was no exception to the rule. It gave great offense to a large number of persons, and assisted in driving them to the side of the reactionary current of feeling then rapidly setting in. The enforcement of the law against the Supreme Judges was resisted by two of the judges, W. V. N. Bay and J. D. S. Dryden. Judge Bates had resigned. Soon after the ordinance was passed Governor Fletcher appointed David Wagner, Nathaniel Holmes and W. L. Lovelace Supreme Judges. Judges Bay and Dryden declared the law without proper authority and refused to vacate. Governor Fletcher, therefore, directed the police of St. Louis to arrest them and forcibly eject them from the court. This was done, and they were taken before a criminal court of the city for disturbing the peace, and never afterwards attempted to resume their offices.

231. The Results of the Draconian Code.—A most violent proscription followed the enforcement of this "test oath." "Tens of thousands of old and honored citizens, men of education and influence, who had taken no part in the war, were denied the right to vote, and that, too, on the adoption of an organic law which was to govern them and their children after them." But, hard as this was, it is not to be compared to the further penalty of the law which forbade them to preach, teach, practice law or follow other simple employments. Their only remaining rights seemed to be, as they were plainly told, "to pay taxes, work the roads and hold their peace." In St. Louis, Francis Preston Blair—whose patriotism is a nation's pride, and who had done more than any other man to keep Missouri in the Union—was denied the privilege of voting because he refused to take the test oath. He filed an oath that he had been loyal

ever since the adoption of the Constitution, and he would full and true allegiance bear to the State and national Governments thereafter; but claimed the judges of election had no right to inquire as to his conduct prior to the time the Constitution was adopted. He brought suit in the Supreme Court to compel the election officers to receive his ballot. It decided against him.

The Missouri Baptists at their annual State meeting, fifty delegates being present, agreed to decline to take the oath, even if they had to give up preaching to do so. They declared it interfered with religious liberty, with freedom of the worship of God and was contrary to the Federal Constitution. The Catholic archbishop informed the clergy they could not take the oath without a surrender of religious liberty. Some men, who believed the dictates of conscience more binding upon them than this "code," undertook to preach the Gospel anyhow. For doing so they were indicted as criminals. Fourteen ministers were indicted at Palmyra at a single session of the Circuit Court. At other places men were indicted 104 times a year for no greater crime than preaching the glad message of salvation; a much greater number were indicted a less number of times; a few were consigned to the common jail. These were not bad and quarrelsome men, but as good, able and peaceable as could be found in the State, and clergymen of both Protestant and Catholic churches. In Cape Girardeau county three Sisters of Charity were dragged into court and tried for teaching without having taken this iron-clad oath, but the jury refused to convict them. At Louisiana, the Rev. J. A. Cummings, a priest in the Catholic church, was convicted in the Circuit Court. His crime was teaching and preaching without having taken the oath referred to. There was no evidence that Mr. Cummings had been guilty of any act of disloyalty, or that he had at any time a disloyal thought or sympathy. He

was not so charged. He was charged only with preaching and teaching without having taken the oath, which had he taken falsely, however loyal he was then and thereafter, would have made him liable to imprisonment in the penitentiary. He was convicted, sentenced to pay a fine of five hundred dollars and to be committed to jail till the fine and costs were paid. He appealed his case to the Supreme Court of the State. It decided against him. Then he appealed to the Supreme Court of the United States, and it set the test oath aside as contrary to the nation's Constitution. That court declared it an *ex post facto* law. It said no State was permitted to enact a law which punished men for offenses committed before the law was passed. After that decision, indictments ceased for preaching the Gospel and practicing law and pursuing other employments. These indictments had in but few cases been followed by fine and imprisonment. Final action had been taken in but very few of them, the courts in most cases delaying trial in the matter till the national Supreme Court should decide the Cummings case. When that decision was made in favor of the preachers, teachers and lawyers, the indictments were never again called up in court, and never again heard of.

232. Registration Act.—The Supreme Court of the United States had, by its decision in the case of J. A. Cummings and in that of Francis P. Blair, set aside all that part of the test oath which disfranchised so many men. Since then some of the strongest Union men in the State had set themselves against it, including such prominent citizens as Francis P. Blair, John S. Phelps, B. Gratz Brown, Carl Schurz, Samuel T. Glover, John F. Philips, James O. Broadhead, and Willard P. Hall. The movement had gained great momentum, but still its opponents had a majority in the Legislature. At the session of 1868 it was therefore determined to again make an attempt at general proscription.

A very stringent registration law was passed. It gave the Governor power to appoint superintendents of registration in each senatorial district, who in turn appointed three registers in each county. These four officers were authorized to make a list of all the legal voters in the county. They were forbidden to enroll any person who would not take an oath of loyalty, and besides were given the power to refuse to enroll any others than those they chose. In many counties they chose to refuse half the citizens. In some cases wealthy candidates for office influenced the registers to enroll their followers, and to decline to enroll their opponents. No one was allowed to vote whose name was not enrolled by these registers. This law, perhaps, disfranchised more voters than the original "test oath." It was made a principal issue in the campaign of 1868, and the canvass was attended with bitterness and often violence.

233. The Election of 1868.—The Republican candidate for Governor was Joseph W. McClurg of Camden county. The Democratic candidate was John S. Phelps of Springfield. McClurg's majority was 19,000, and the whole vote cast was 145,000. E. O. Stanard, of St. Louis, was elected Lieutenant-Governor.

Questions on Chapter XIX.

1. What is said of Thomas C. Fletcher? (223)
2. What proposition did the Legislature submit to the people at the election of 1864? (224)
3. When did this Convention meet, and who was its president? (224)
4. What is said of this constitution? (224)
5. What action did this Convention take toward manumitting slaves? (225)
6. What did it avail? (225)
7. How was it received by the people? (226)
8. To what persons did the test oath deny the ballot? (226)
9. What else did it deny them? (226)

10. What penalties did it prescribe? (226)
11. To what time was it attempted to limit its proscriptions? (227)
12. Why was this done? (227)
13. How had President Lincoln indorsed this proclamation? (227)
14. Who else indorsed it, and how? (227)
15. What about a State that violates its promises? (227)
16. What action did the Convention take toward ousting officers? (228)
17. On what grounds? (228)
18. What had Governor Hall to say about this? (228)
19. What was the real reason for ousting the officers? (228)
20. How did the Convention forestall defeat? (229)
21. What was the result of the election? (229)
22. How was the ousting ordinance enforced? (230)
23. Mention some results of the Drake Constitution? (231)
24. How was Frank Blair treated? (231)
25. What course did he pursue? (231)
26. What course did the Missouri Baptists pursue? (231)
27. What did the Catholic archbishop do? (231)
28. How about the indictment of preachers? (231)
29. Recite the details in the trial of J. A. Cummings. (231)
30. How did the U. S. Supreme Court regard this law? (231)
31. What prominent men led the opposition to the test oath? (232)
32. How did its friends determine upon neutralizing the U. S. Court's decision? (232)
33. What is said of this Registration Act? (232)
34. How did the election of 1868 result? (233)

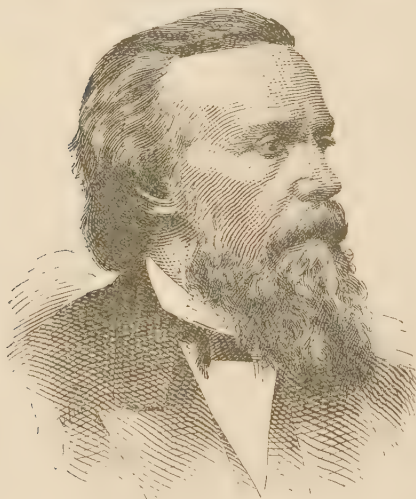
Topical Outline of Chapter XIX.

- | | | | |
|---|---|--|--|
| ADMINISTRATION OF GOVERNOR
FLETCHER. | { | 1. Thomas C. Fletcher. | |
| | | 2. Constitution of 1865. | |
| | | 3. Manumission Day. | |
| | | 4. The Test Oath. | { 1. To Whom it Denied the Ballot.
2. Denied What Employments. |
| | | 5. A Retrospective Law. | |
| | | 6. Ousting Ordinance. | { 1. Applied to Whom.
2. Purpose of.
3. How Enforced. |
| | | 7. Defeat of Constitution Forestalled. | |
| | | 8. Results of Test Oath. | { 1. Baptists Oppose it.
2. Catholics Oppose it.
3. Ministers Indicted.
4. Supreme Court Overthrows it.
5. Prominent Men Set Themselves Against It. [Place.
6. Registration Act to Take Its |
| | | 9. Election of McClurg. | |

CHAPTER XX.

McCLURG'S ADMINISTRATION.

234. Joseph W. McClurg was born in St. Louis county, February 22, 1818, and was educated at Oxford, Ohio. He taught school in Ohio and Louisiana, and was



JOSEPH W. McCLURG.

deputy sheriff in St. Louis before he was twenty-one. Two years later he was licensed to practice law, but soon afterwards engaged in merchandising in Camden county. When the war came on he took positive and enthusiastic grounds for the Union. He entered Congress as a Republican in 1862 and served till January, 1869, when he resigned to become Governor of Missouri. He was again a

candidate in 1870, but was defeated. In his last message to the Legislature he recommended the passage of a law prohibiting the sale of intoxicants as a beverage—the only time such a recommendation was ever contained in a Governor's message. In 1889 he was appointed by President Harrison Register of the United States Land office at Springfield, Missouri.

235. Suffrage for Slaves.—The Legislature had in 1867 agreed by a large majority to submit to the people an amendment to the Constitution granting to former slaves and their descendants the privilege of voting. The amendment was voted on at the election in November, 1868, and was defeated by nearly nineteen thousand majority. But on January 7, 1870, the question again came before the Legislature in the XVth Amendment to the Constitution of the United States, which the Legislature adopted by about a two thirds vote of both houses, thus giving these people the privilege of voting. This was before the ballot had been restored to those who were disfranchised by the Drake Constitution.

236. Repeal of Proscriptive Tests.—The same Legislature, however, agreed to submit to the voters an amendment to the Constitution abolishing the test oath and restoring the ballot to former Confederates, Southern sympathizers and all other male citizens; and relieving them of other proscriptive penalties. This was voted on in November, 1870. A very warm and earnest campaign preceded the vote. The Republican party disagreed in regard to what should be done with the great number of disfranchised citizens. Many were in favor of postponing the giving of the ballot to these men. These were called "Radical Republicans." But an equal number believed in entire removal of all political disabilities at once. They were called "Liberal Republicans." The Republicans met in Convention in Jefferson City in August, 1870, and voted to adhere to the Radical Republican doctrine, by a vote of three hundred and forty-nine to three hundred and forty-two, and nominated Joseph W. McClurg, the then Governor, for re-election. The Liberal Republicans withdrew from the Convention, adopted a platform for immediate re-enfranchisement, and nominated B. Gratz Brown for Governor. The Democrats

declined to nominate State officers, but supported the Liberal Republican ticket. Mr. Brown was elected by forty-one thousand majority, and the people voted to repeal the proscriptive tests by a majority of one hundred and eleven thousand, there being only about sixteen thousand votes against the proposition. J. J. Gravelly was elected Lieutenant-Governor. The Liberal Republicans and Democrats had also obtained a majority in both houses of the Legislature, and they went to work at once to repeal all obnoxious laws, and restore to every man equality before the laws, and remove all disabilities from all. As a result, at the election in 1872 the vote was one hundred and twelve thousand, two hundred and seventy-six greater than it was in 1870, an increase of sixty-seven per cent in two years. By this fact we can arrive at an estimate of the number disfranchised. Of this increase—one hundred and twelve thousand, two hundred and seventy-six—it is not proper to count the negro vote, because the XVth Amendment to the national Constitution, bestowing on negroes the right to vote, became a law of the nation prior to the election of 1870. It is possible, however, that twenty-five per cent of the increase, or twenty-eight thousand, were immigrants and young men now for the first time old enough to vote. This would leave eighty-four thousand men who had been disfranchised by the sweeping proscription of the Drake Constitution—more than twice as many as ever took up arms as State Guards or Confederate troops.

237. Peace.—The restoration to citizenship was wise and just. Whatsoever good reason there might have been for denying to so many citizens the right to vote and follow their chosen employments in 1865, it could not be urged that the conduct of these men had been such as to make it unsafe to trust them with full and equal citizenship within a few years after the war had closed. Their conduct was as

peaceable and orderly as that of any class of men in the State. Not even did the preachers, teachers and lawyers, after the United States Supreme Court had restored to them the privilege of following their chosen pursuits, make harsh or disloyal assertions in public. Political subjects were rarely spoken of in the pulpit or school. The great mass of these men had quietly returned to their homes, controlled by a desire for peace and to submit in good faith to the authority of the Union. They had gone diligently to work at whatever employment was open to them, to regaining their lost fortunes, rebuilding their burnt houses, and re-establishing themselves in the land whose fruits they had enjoyed before the war. Nothing is to be feared from such men, and now that the duty was upon them again to maintain the Union they loyally and honestly undertook to do so.

238. Senators.—In January, 1867, Charles D. Drake was elected to the Senate of the United States to succeed B. Gratz Brown, whose term expired March 4 of that year. Mr. Drake served till 1871, when he resigned to become a judge of the Court of Claims in Washington, and was succeeded by Francis P. Blair who served out the remainder of the term till 1873. Carl Schurz was elected for a term of six years, from 1869-75, to succeed John B. Henderson. Mr. Schurz was a native of Germany. After his term in the Senate terminated he was a member of President Hayes' Cabinet as Secretary of the Interior.

Questions on Chapter XX.

1. Give sketch of the life of Joseph McClurg. (234)
2. How did the people vote on the question of giving the ballot to former slaves and their descendants? (235)
3. But what course did the Legislature pursue? (236)
4. Describe the split in the Republican party. (236)

5. What was the result of the election? (236)
6. What majority did Brown secure? (236)
7. What was the majority for removing proscriptive tests? (236)
8. What was the increase of the vote two years later? (236)
9. What do these figures show? (236)
10. What about the restoration of citizenship to all? (237)
11. How did the preachers, lawyers, teachers and other disfranchised persons behave? (237)
12. Who were elected United States Senators in 1867, 1869 and 1871? (240)

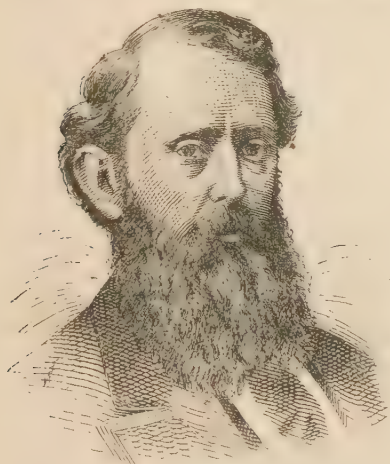
Topical Outline of Chapter XX.

McCLURG'S ADMINISTRATION.	{	1. Joseph W. McClurg.
		2. Negro Suffrage.
		3. New Parties.
		4. Repeal of Proscriptive Tests.
		5. Increase In Vote.
		6. Conduct of Disfranchised Persons.
		7. Senators.

CHAPTER XXI.

THE ADMINISTRATION OF GOVERNOR BROWN.

239. Benjamin Gratz Brown, the twentieth Governor, served from January, 1871, to 1873. He was born at Lexington, Kentucky, in 1826, and was a descendant of much honored families of Virginia and Kentucky. He



B. GRATZ BROWN.

received the best of schooling in his native State and graduated at Yale College at the age of twenty-one. He came to Missouri in 1849, settled in St. Louis, and began the practice of law, but abandoned it in a year or two. In 1852 he was elected to the Legislature and was re-elected in 1854, both times as a "Free Soil" candidate. In 1854 he became editor of the *Missouri Democrat*, and

continued as such till the breaking out of the war, with great ability and reputation. Early in the war he raised a Union regiment, became its colonel, and bore himself as a gallant and brave officer in the campaign in southwest Missouri. In 1863 he was elected to the United States Senate by the radical emancipationists, and served till 1867. In 1866 he led the opposition to the test oath proscription. In 1870 he

was nominated for Governor by the Liberal Republicans, was elected and served two years. Then he returned to St. Louis, resumed the practice of law and gained distinction at the bar. In 1872 he was nominated by the Liberal Republicans for Vice-President along with Horace Greeley for President, and was defeated. He was an excellent Governor, and did much to bring about peaceable and kind feelings between the discordant elements created by the war. He died in St. Louis, respected, honored and loved as a good and true man.

240. Peace and Prosperity.—As the people got away from the war and began to study the lessons it had taught, the better side of mankind again showed itself. A general desire for peace grew stronger and stronger. A purpose to restore order, to re-establish prosperity, to retrieve broken fortunes, was manifest everywhere. Many a noble estate had been swept away by the fell hand of cruel war. Many a rich plantation had been laid waste, many a comfortable farm-house had been burnt, cattle and horses and all kinds of stock had been seized and driven from the land, confidence was destroyed, and deep feelings of resentment had laid hold on those formerly neighbors. But now that it was all over, that the cause was gone, these feelings gave way to higher and better and more manly ones, and the determination was sure and settled that the war should be over forever. Men began, in their cool and quiet labors, to see that they could honestly differ about even such a thing as war. This was followed by peace and mutual confidence, and now again the woodsman's axe was heard in the forests, the plow was set deeper into the soil, and the grain, ripened in the fields, was garnered and sold in the open market. A few malevolent spirits still sulked abroad, but the great body of the people—Union and Confederate soldier, Northerner, Southerner, foreigner and native alike—united in action and

feeling in intellectual and moral up-building. While the war had lasted many of the schools were closed, till at one time there were only 1,200 open. By 1870 this number had increased to 5,000. Population had decreased from 1,182,000 in 1860 to about 900,000 in January, 1865. Now, in 1870, it was 1,719,000, according to the United States census, but in fact it was somewhat smaller. The taxable wealth had almost doubled within the four years previous to 1870. Tens of thousands of immigrants, mostly from the Atlantic States and from north of the Ohio, had come into Missouri and acquired homes. On every side the people were fast effacing all traces of the war.

241. Treatment of The Negroes.—Neither was the negro neglected nor forgotten. He had been a slave; he was now a citizen. He must be educated and taught the responsible duties of citizenship. Schools were established for him, too. At first this was opposed by many of the old slave owners, but heartily supported by a few, and later on by all of them, and in many cases enthusiastically, until to-day there are good schools provided for him wherever needed. The annual length of these schools is the same as those for white children, though there is, as a matter of course, a difference in the comparative merit and worth. The negroes themselves have shown both a willingness and an earnest desire to be educated and to use the schools properly. In this State, the relations of the two races promise harmony and honest and just treatment. In spite of the carpings of pessimists and the slanders of the political partisans, the wide expanse of history does not contain an instance of more honorable, humane and wise treatment by a powerful dominant race of a weak and dependent one, lately liberated and left to live among their old owners, than that of Missouri furnishes.

242. Railroad Difficulties.—The Drake Constitution permitted counties to subscribe any sum of money to aid in building railroads. It unfortunately authorized the County Court to issue bonds binding the county for the payment of these subscriptions whenever two thirds of the qualified voters of the county should assent thereto. These courts, in some cases, were composed of characterless or ignorant men, and the “qualified voters” were not the people who owned the property of the county, and who, therefore, would have to pay its bonds, for many of them had been disfranchised, but a class of men who were governed more by other motives than justice and patriotism. The elections frequently were merely formal, only a small per cent of the taxpayers being permitted to vote. Dishonest speculators, in a few instances, bribed the courts to make the subscriptions without the people’s knowledge or consent. Bonds to the amount of fifteen million dollars and over were issued by the various counties. But the roads were never built. Usually, work would be commenced on the roadbeds at various places along the proposed routes, and kept up with great vigor for a few weeks, and then reports would come that the companies had become bankrupt, and work would cease. Only partial payments were ever made for the work done.

In the meantime, the bonds were run off to New York and elsewhere, and, before they had matured, were sold to third parties, who paid little or no money for them, but afterwards claimed that they were innocent of any knowledge of the fraud practiced upon the taxpayers. As the courts had the power by law to issue the bonds, the United States Supreme Court held they must be paid. As a result, debts of several hundred thousand dollars were fastened upon Lafayette, Cass, Knox, St. Clair and other counties.

243. Resisting Payments.—Payment of these bonds was, in a few cases, made in full; in others, terms of com-

promise were agreed upon by which the bond-holders accepted fifty or sixty or eighty per cent of the face of the bonds as full payment; but in other cases, where the debts were enormous and the fraud glaring, payment was resisted. In Cass county popular resentment became violent, and at Gunn City on April 24, 1872, a large uprising of the people put to death three men concerned in issuing the bonds. Judge J. C. Stevenson, one of the County Judges, and James C. Cline, County Attorney, had been indicted for complicity in the fraudulent issuing of the bonds. On this date they and Thomas Dutro, who was one of Cline's bondsmen, were on a train which was intercepted by about three hundred citizens of Cass county. They were mercilessly shot down, and the train greatly damaged by the infuriated people. Popular feeling in Cass and surrounding counties soon became intense. Governor Brown called out the militia, and sent General F. M. Cockrell and Colonel John F. Philips as special commissioners for the State to urge peace and order. These efforts were entirely successful. Attempts were afterwards made to punish the men who assisted in the killing, but no jury could be persuaded to convict them. Since that time the bond-holders have brought suit against these counties in the United States courts, which decided against the counties and instructed the county courts to levy taxes to pay these debts. But a new set of judges had, in the meantime, come into office; men, who considered it unjust to pay bonds for roads that had never been built. They refused to levy the taxes, and were in some instances sent to prison for contempt of Federal authority. But there they were treated with consideration. But they would not order the levy, and, when they tired of the attempts to force them to do so, they would resign, and their successors pursued the same course. By this means the Federal courts were powerless to enforce payment, though various attempts were made for ten years.

But in nearly every county these bonds have now been settled by compromise.

244. Other Railroad Debts.—There were other railroad debts. At different times prior to the war the State granted to various railroad companies aid in the construction of their roads by issuing State bonds to the amount of twenty-three million, seven hundred and one thousand dollars. For this aid the companies agreed to pay the interest on these bonds as fast as it became due, and if they failed to do so the roads were to be forfeited to the State. The Hannibal and St. Joseph road paid its bonds, which amounted to three million dollars, and also the interest. But default in the payment of the interest of the other roads was made between January, 1859, and July, 1861, and soon after the war the Pacific, the St. Louis and San Francisco, the Iron Mountain, the Wabash and other roads were sold by the State. In addition to this there was forfeited to the State and sold along with the roads, one million, eight hundred and twenty-four thousand acres of land, which had been granted to them by Congress, and pledged to the State as payment of this debt. The entire debt at the time of the sale, including principal and interest, was over thirty-one million dollars, and the State realized from the various sales only a little over six millions, so that there remained a debt of twenty-five millions, which the State has since had to pay, besides the many millions in interest maturing since the sale. These railroad debts have been the source of nearly all the State's present debt. The original bonds bore six and seven per cent interest. But the State has steadily been paying the debt, and in 1885 it bought up nearly half of its six per cent bonds by new bonds which bear only three and a half per cent interest, and thus a great amount of money is saved annually in interest alone.

245. The Election of 1872.—The Liberal Republican movement which began in 1870, and which subsequently spread over all the Union, continued. Efforts were made to reunite the two discordant factions of the party, but they utterly failed. On August 21, 1872, the Liberal Republicans and the Democrats met in separate conventions, in Jefferson City, to nominate a joint ticket. A committee of conference was appointed from each convention, which soon agreed upon a fusion ticket. The various offices were divided up between the two parties according to their numerical strength. The Democrats nominated the candidate for Governor, the four Supreme Judges, eight of the Presidential electors, Treasurer, Attorney-General and Auditor; the Liberals named the Lieutenant-Governor, Secretary of State, Register of Lands and seven Presidential Electors. Silas Woodson of Buchanan county was the nominee for Governor, and Charles P. Johnson of St. Louis for Lieutenant-Governor. The two conventions then came together into one, and indorsed the nominations as a whole. In September, the regular Republicans nominated John B. Henderson for Governor. At the election, Woodson's majority was thirty-five thousand, four hundred and forty-four, and the entire electoral vote of the State was cast for Greeley for President and Brown for Vice-President. At the time for the next election in 1874, the Liberal Republican movement had disappeared, the vast majority of that party having become Democrats, but a few re-united with the regular Republicans.

Questions on Chapter XXI.

1. Give a sketch of the life of B. Gratz Brown. (239)
2. What is said of him as Governor? (239)
3. What were some of the effects of the war? (240)
4. What now was the condition? (240)
5. What is said about schools and population? (240)

6. How was the negro treated? (241)
7. What railroad difficulties are described in this section? (242)
8. What was done with these bonds? (242)
9. How were the debts settled in many cases? (243)
10. Describe the Gunn City tragedy. (243)
11. How was order restored? (243)
12. What about the actions of county judges in some of these counties? (243)
13. Describe other railroad debts. (244)
14. How much was the entire debt at one time, and what was it after the railroads and lands were sold? (244)
15. What was done in 1885? (244)
16. What is said of parties in 1872? (245)
17. Who were the candidates and who was elected? (245)
18. What became of the Liberal Republican movement? (246)

Topical Outline of Chapter XXI.

ADMINISTRATION OF GOVERNOR BROWN.	{	1.	B. Gratz Brown.	
		2.	Peace and Prosperity.	
		3.	Treatment of Former Slaves.	
		4.	Railroad Difficulties.	{ 1. County Debts. 2. Gunn City Tragedy 3. Action of Judges. 4. State Debts.
		5.	Election of 1872.	
		6.	Disappearance of Liberal Republican Party.	

CHAPTER XXII.

GOVERNORS WOODSON AND HARDIN.

246. **Silas Woodson** was born in Kentucky in 1819. He was reared on a farm, attended the "log schoolhouse" in the neighborhood, and employed much of his time in reading and study. He was licensed to practice law at the age of twenty-one, and three years later was elected to the Legislature, and re-elected several times in the next twelve years. He also was Circuit Attorney for four years. In 1854 he came to Missouri and settled in St. Joseph, where he was soon recognized as a lawyer of marked ability. In 1860 he was elected Circuit Judge and served with acceptability through the stormy days of the war. He was elected chairman of the Democratic State Convention of 1872. He was not then a candidate for Governor. But there were six candidates, namely, Joseph L. Stephens, Norman J. Colman, R. P. C. Wilson, James S. Rollins, William H. Hatch and John S. Phelps. Three ballots were made without any choice, and in the midst of the fourth the name of Woodson was proposed as a compromise candidate, and it was received with such enthusiasm that he was nominated almost unanimously. He was inaugurated



SILAS WOODSON.

January 8, 1873, and served two years. He filled other honorable positions after his term as Governor expired, and died in St. Joseph in 1896.

247. Business Depression.—During the term of Governor Woodson there was the greatest financial depression. The crisis was precipitated by the failure of Jay Cooke & Company of New York in the spring of 1873. The panic soon became general. Every State in the Union felt the bitings and gnawings of business failure. In Missouri, bank after bank closed its doors, and business was temporarily paralyzed. To add to the troubles there was a failure in crops, owing to a drought which set in in the summer of 1873 and lasted for eighteen months, with very little rain at any time. The Governor, in his message of 1874, said: "Thousands who in days gone by have been able, without serious difficulty or great loss, to obtain money with which to pay debts or taxes, can not procure a dollar for any purpose, except at the most ruinous sacrifices." He proposed to meet the difficulties, as far as possible, by cutting down expenditures in all offices, and so earnestly did he plead with the Legislature that it and subsequent sessions reduced State and county expenses nearly one half in every branch of the State Government except that of public education.

248. The Grange.—The financial troubles of 1873 and 1874 were in part due to the natural collapse of the reckless speculation which seized upon the people at the close of the war, and of the high prices which that war had created with the assistance of a large amount of discredited paper money. But a very large part of the people did not accept this as the cause, and throughout the West there began to form farmers' societies which were called the Grange. Sometimes the order was called the Patrons of Husbandry, but it was better known by the former name. It spread

rapidly throughout the West and soon had one million, two hundred thousand members, with local societies in almost every neighborhood. Many of its members, and most of its leaders, were men of intelligence and integrity, but its great membership was undoubtedly due to the financial troubles of 1873 and 1874. The order refused to admit lawyers, bankers, capitalists, and merchants as members. It was organized on the basis that nearly all financial troubles were due to bad legislation, and it proposed to unite all laborers, especially farmers, in an attempt to repeal all bad laws and make all necessary good ones. This, of course, had been the desire of all good citizens from the beginning of the nation, but thoughtful men soon concluded that the Grange acted upon the unfair theory that its members were entitled to favors in the making of laws which were to be denied to other persons. This led much of the press in the East, and even in the States where the organization was strongest, to oppose it, as teaching doctrines which would array one class of citizens against another. This opposition the Grange met by declaring the unfriendly press was dominated by the capitalists and corporations, and hence there began to be discordant relations between the order and the political parties.

249. Campaign of 1874.—At the election of 1874 the Democratic party nominated Charles H. Hardin, of Audrain county, for Governor, and Norman J. Colman for Lieutenant-Governor. The Republicans declined to make any nominations, but the Grange and that party united in what was called the People's Party, and nominated William Gentry, an extensive farmer of Pettis county, for Governor. The cry of the Granger members of the People's Party was "Reform," by which they meant retrenchment in governmental expenditures. But Governor Woodson and the Legislature had already forestalled them by passing the laws cutting down expenses, and hence few of the Democratic

farmers saw any reason to leave their party on that account. Hardin was elected by a majority of thirty-seven thousand, four hundred and sixty-three, and the Democrats elected all the thirteen Congressmen from the State. The part the Grange had taken in politics at this election caused much dissatisfaction among its members, and the order soon began to lose power, and in a year or two went down almost as fast as it had risen.

250. **Charles H. Hardin** was born in Kentucky in 1820, but came with his parents to Missouri when a mere infant. He was reared to manhood in Columbia, and enjoyed the advantages of good schools. He afterwards graduated with the degree of A. B. from Miami University, in Ohio. He returned to Missouri, studied law, located at Fulton, rapidly rose in his profession, and soon became known as a laborious, painstaking lawyer, whose pleadings always

bore the test of judicial investigation. In 1848 he became prosecuting attorney for the third judicial circuit, which embraced several counties, and during the entire term none of his indictments were quashed for inaccuracy. In 1852, 1854, and 1858 he represented Callaway county in the Legislature as a Whig, and in 1855 was one of the committee of three which revised all the statutes of the State and codified them in



C. H. HARDIN.

book form. In 1860 he was elected to the State Senate from the district composed of Boone and Callaway, and was the author of the resolution creating the convention to which was referred the question of secession. He attended the called meeting of the Legislature held at Neosho in October, 1861, and was the only member who voted against secession. He remained unalterable in his allegiance to the Union during the war but took no active part in the troubles of those times. In 1872 he was again elected to the Senate and maintained his former reputation for laborious and conscientious work. In 1874 he was elected Governor, and his administration was one of the most honorable in the entire history of the State. In 1873 a college for the education of girls was projected at Mexico, at which place he had lived since 1861, and named Hardin College in his honor. From his munificent hand it had received over fifty-five thousand dollars up to the time of his death in 1892.

251. Francis Marion Cockrell was elected United States Senator in 1875 to succeed Carl Schurz, and was re-elected in 1881, and again in 1887, and again in 1893, and still represents the State in that high office. He was born in Johnson county in 1834, and with the exception of Lewis V. Bogy, was the first and only native-born Senator ever elected from Missouri. He was reared to hard toil on the farm, and attended the common schools till 1851 when he entered Chapel Hill College, in Lafayette county, whence he was graduated in 1853. He studied law, gained prominence in his profession, but resolved not to enter politics till he had reached his fortieth year. Early in the Civil War he enlisted as a State Guard, took part in the battles of Wilson's Creek and Pea Ridge, then joined the Confederate army, rose rapidly to the rank of general, and took part in a score of the principal battles of the war. His gallantry and bravery at Vicksburg, Mississippi, and Franklin, Tennessee, have made

his name historic for almost all time. "Cockrell's Brigade" has been pronounced equal to the finest body of soldiers in



FRANCIS M. COCKRELL

the Confederate service. They were all Missourians. After the war a few years he again resumed the practice of law, and in 1874 was a candidate for the Democratic nomination for Governor but was defeated by C. H. Hardin by a very small majority, but in the following January was elected Senator, the first civil office he ever held. A State is rarely favored with a more

faithful representative than Mr. Cockrell.

252. Locusts.—In 1874 and in 1875 all the country west of Missouri, even to and beyond the Rocky Mountains, was plagued by a devouring insect. Governor Hardin, in his message, called them the Rocky Mountain locusts, but the people usually referred to them as Kansas grasshoppers. They were about two inches long and looked very much like the ordinary grasshopper that has always been seen in this State, except their legs were of a reddish color, and parts of their bodies, wings and head were more or less reddish, also. They came down from the mountains in 1874, filling and almost darkening the heavens by their great number. They quickly overran Colorado, then came on through Kansas, and late in the summer invaded Missouri. In Colorado and parts of Kansas they ate up every green thing, taking every live blade of grass and every leaf on tree

and bush and flower and vegetable. They entered a few counties in Missouri, but in 1874 they came after most of the crops had matured, and hence did not do so much damage. They deposited their eggs, however, and as it became warm next year these hatched out in great numbers. The people fought them before they were able to fly, and thus greatly mitigated the pest. The most effective way was by digging ditches, putting in a few inches of straw, then driving the locusts into the ditch and burning the straw. Yet, in spite of all these efforts, they overran several counties along the western border of the State. The first months of 1875 were dark days for these counties. Their wheat and meadows were destroyed by the locusts. They planted their corn, but it was devoured as fast as it came up. Again they would plant it, thinking that the insects would leave as soon as they became able to fly, and again it was devoured. Governor Hardin proclaimed that June 3, 1875, should be observed as a day of "fasting, thanksgiving and prayer," for Divine deliverance from the vexatious plague. The proclamation was generally observed, especially in that part of the State where the danger seemed most imminent. But throughout the State the people responded liberally with money and provisions for the sufferers. About this time, in fact on the very next day, heavy rains set in. Up to that time the long continued drought had not abated in western Missouri, though slight rains had fallen in the spring months of 1875, but now they became heavy and frequent. This was regarded as a forerunner of deliverance. It was. The locusts began to move about June 11, but a strong southwest wind drove them further into the interior of the State, but in a day or two the wind shifted to the east, and by the fifteenth the locusts were all gone. The next year they came again, but did little damage, and since that time have not appeared. The citizens of these counties began at once to retrieve the

loss. They planted their crops again, and, the season being very favorable from that time on, the yield was bountiful. All over the State the crops were prodigious in 1875, and this fact served largely to alleviate the business depression of the two previous years.

253. The New Constitution.—The people did not become any nearer satisfied with the Drake Constitution as they more thoroughly adjusted themselves to re-established peace. They felt it was out of harmony with the spirit of the age. At the election of 1874 a convention to frame a new constitution was voted for. Sixty-eight delegates, two from each senatorial district, were elected thereto on January 6, 1875. They were able men, of great personal worth and wisdom. Their names may be found in the Appendix. Sixty of them were Democrats, six Republicans and two Liberals. They met in the Capitol May 15, 1875. Waldo P. Johnson was elected president, and Nathaniel W. Watkins vice-president. A thorough revision of the entire organic law of the State was made. Some of the provisions at the time were thought to be radical, but so far they have worked no hardship, and the people seem as well satisfied with the Constitution as an intelligent people ever did with any law. In fact, all persons look to it as a strong tower of defense, and a promoter of prosperity, peace and order.

254. Three Marked Features.—Only two of its provisions will here be spoken of. (1) It prohibited the Legislature from imposing a debt upon the State in any amount above two hundred and fifty thousand dollars for any one year, unless two thirds of the voters at an election should authorize it to do so, and did not permit towns and counties to issue bonds for any purpose except for the erection of public improvements. This was done to put a stop to the wasteful, and sometimes wicked, issue of bonds for

building railroads. (2) Another feature of this Constitution was the restrictions it put upon the Legislature, County Courts, cities and school districts to tax the people. All these have been discussed in the proper chapters of the Civil Government of Missouri. Under such a Constitution no more great railroad debts like those considered in sections 127, 242 and 244, can be contracted. (3) Its other marked feature was the thoughtful provisions in reference to public schools. Under the liberal laws it permitted the Legislature to make, Missouri now outranks almost every State in the Union in the amount of her school funds, and spends over six million dollars every year for education. The other provisions can not be presented, but, at the final vote in the Convention on its adoption, not a vote was recorded against it, and on the thirtieth of October it was adopted by the people, there being ninety-one thousand votes for it and fourteen thousand and five hundred against it. It went into operation November 30, 1875, and has since been the supreme law of the State Government.

255. Terms of Office.—By the new Constitution, the term of the Governor and of nearly all other State and many county officers was lengthened from two to four years, and it was provided that the Governor and Treasurer could not be re-elected as their own successors. It was thought the Governor would choose men because of their special fitness rather than for their political influence in making his appointments, if not permitted to succeed himself. As the Treasurer handles the State's money, it was considered it would be less liable to be purloined if frequent changes were made in the officers, and for the same reason county treasurers and sheriffs are not permitted to serve continuously longer than four years, but almost all other officers are eligible to re-election for any number of terms. Elections under the new Constitution are held the first Tuesday after

the first Monday in November, of all even numbered years, and the officers elected assume their duties in the following January.

256. The Election of 1876.—At the election in 1876 the Democratic and Republican parties each nominated strong and talented men for Governor, John S. Phelps of Greene and G. A. Finkelnburg of St. Louis. The issues in the campaign that followed were largely national. The Democratic majority was fifty-two thousand, and Phelps was inaugurated Governor January 8. Henry C. Brockmeyer of St. Louis was elected Lieutenant-Governor.

Questions on Chapter XXII.

1. Recite some of the incidents in the life of Silas Woodson. (246)
2. What is said about the business depression during his term? (247)
3. How did he and the Legislature meet this condition? (247)
4. What is said of the Grange? (248)
5. To what were the financial troubles of these years partly due? (248)
6. What action did the political parties take at the election in 1874? (249)
7. Give a sketch of the life of Charles H. Hardin. (250)
8. And of the life of Francis M. Cockrell. (251)
9. What is said about locusts? (252)
10. What efforts were made towards securing a new Constitution? (253)
11. Mention its first marked feature. (254)
12. And the second. (254)
13. And the third. (254)
14. How was it adopted? (254)
15. What was the vote for and against it? (254)
16. What changes did it make in the terms of offices? (255)
17. Who were the candidates for Governor in 1876? (256)
18. Who was elected and with what majority? (256)

Topical Outline of Chapter XXII.

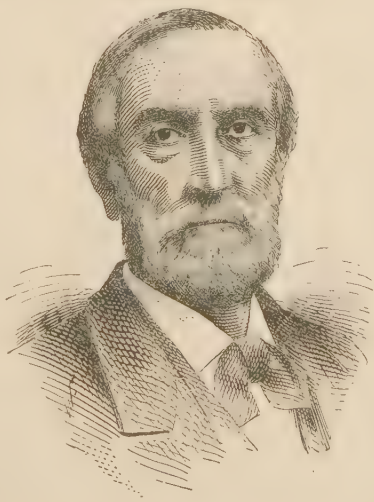
ADMINISTRATIONS OF
WOODSON AND HARDIN.

1. Silas Woodson.
2. Business Depressions.
3. The Grange.
4. Election of 1874.
5. Charles H. Hardin.
6. Francis M. Cockrell.
7. Locusts.
8. New Constitution.
9. Three Provisions of the Constitu-
tion.
10. Terms of Office.
11. Election of 1876.

CHAPTER XXIII.

FROM 1877 TO 1892.

257. John S. Phelps.—John S. Phelps was born in Connecticut, December 22, 1814. His father, Elisha Phelps, was a lawyer of prominence in that State and served also as a member of the Legislature, and in other State offices, and three terms in Congress. His grandfather was a gallant and brave officer in the Revolutionary War. He was educated at Washington (now Trinity) College, studied law and was admitted to the bar in his native State. In 1837 he came to Missouri and settled at Springfield. Under the laws of the State, then he must needs obtain a new



JOHN S. PHELPS.

license before he could practice law in Missouri, and that, too, from the chief justice of the Supreme Court. Phelps made the journey to Jefferson City on horseback, and on arrival learned that Judge Tompkins was some distance in the country at a sawmill. There the judge was found and the examination had, the applicant sitting on a log, and the hard knotty questions, hard like the logs around them, were plied by the learned judge. The license was written on a leaf torn from an old blue ledger, and from this unique circumstance young Phelps turned away to become one of the most prominent and influential men in the State's history for the next forty years. He soon became noted in southwest Missouri as a great lawyer, and in 1840 was elected to the Legislature as a Democrat. In 1844 he was elected to Congress, and was a member of that body continuously till 1862. At that time the most important committee of the House was the committee of Ways and Means, and of this Mr. Phelps was eight years chairman. When the war came on he sided with the Union, and did much toward aiding General Lyon in his efforts to grasp the State from the hands of Governor Jackson. In 1861 he organized "Phelps' Regiment," was its colonel for several months, and, at the battle of Pea Ridge, commanded it in person and saw it suffer a loss of thirty per cent of its men. In 1862 he was military Governor of Arkansas. In 1863 he resumed the practice of law at Springfield. He was frequently put forward during the next few years for United States Senator as a Union Democrat, but always defeated. In 1868 he was the Democratic candidate for Governor, and was elected in 1876, served for four years, and filled the office with creditable honor and wisdom. So well satisfied were the people with his administration that he doubtless would have been elected again had not the Constitution adopted in 1875 made it impossible for him to succeed himself. He died in St. Louis in 1886.

258. Senators.—In 1873 the Legislature elected Lewis V. Bogy to the United States Senate, to succeed General Blair. He possessed much ability, and was the first native of Missouri to be elected Senator by her own Legislature. He was a descendant of one of the old French families of the old river-town of Ste. Genevieve. He died while in office, and Governor Phelps appointed D. H. Armstrong, of St. Louis, his successor, to serve till the meeting of the Legislature in January, 1879. It elected General James Shields, of Carrollton, to fill out the unexpired term, which lasted only a few weeks, and George G. Vest, of Sedalia, to the new term. Mr. Vest was re-elected in 1885 and again in 1891 and in 1897, each time for six years. He and Mr. Cockrell are the present Senators from Missouri.

259. George Graham Vest was born in Kentucky in 1830, and attended an excellent private school for ten years, then entered Centre College, Kentucky, and graduated in 1848; and in 1853 graduated in law from Transylvania University. He came to Missouri the same year, began practice at Georgetown, then the county seat of Pettis county, moved to Boonville in 1856, and in 1861 was a member of the Legislature, where he took the lead of the State Rights men. When the war be-

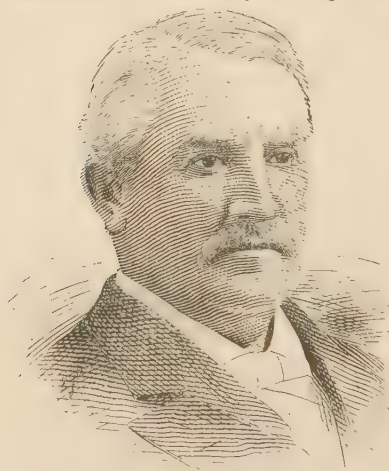


GEORGE G. VEST.

gan he went south, and was in Price's army when elected by the Legislature at Neosho to the provisional Congress of

the Confederacy, at Richmond, Virginia, and served till 1863, and then was appointed Senator to the same body by Governor Thomas C. Reynolds, to succeed General John B. Clark, Sr. In 1867 he returned to Missouri, resumed the practice of law, and in 1879 was elected United States Senator, which office he still holds. As an orator he has long been regarded as among the ablest the State has ever had.

260. Governor Crittenden.—Thomas T. Crittenden was elected Governor in 1880. The Republican candidate was D. P. Dyer of St. Louis. Robert A. Campbell of St. Louis was elected Lieutenant-Governor. Mr. Crittenden was born in Kentucky in 1832, and reared at Cloverport on



THOS. T. CRITTENDEN.

the Ohio river. His primary education was in the log-cabin schoolhouse of that time, but in 1852 he entered Centre College in that State, and was graduated therefrom in 1855. He studied law with his uncle, the great J. J. Crittenden, and came to Missouri and settled at Lexington. In 1862 he enrolled in the State Militia, was made lieutenant-colonel, and served till the close of the war. He then re-

sumed the practice of law at Warrensburg as the partner of General F. M. Cockrell. He became a leader in the liberal movement for equality of citizenship, peace, fraternity and good will, and boldly advanced these ideas in a brilliant canvass of a great part of the State. In 1872 he was elected

to Congress, and again in 1876. His administration is remembered mostly for the breaking up of the James Boys band of outlaws and murderers, the terriblest set of train and bank robbers in all Western history, and also for a settlement of the Hannibal and St. Joseph railroad debt. The State had in 1851 and 1855, issued its bonds to the amount of \$3,000,000 to aid in building that road. During this administration, after a great number of lawsuits, the road paid the debt with interest.

261. Judge Napton.—In 1882 died Judge William B. Napton, who had been a member of the Supreme Court twenty-five years between 1839 and 1881. He was born and reared in Princeton, New Jersey, and graduated from Princeton College. Then he went to Charlottesville, Virginia, where he was for six years private tutor for General Gordon's family, and enjoyed the friendship of some of the most noted men of that State. He came to Missouri at the age of twenty-four, and at the solicitation of Governor Miller, became the editor of the



JUDGE W. B. NAPTON.

Booneslick Democrat at Fayette, which at that time was the political center of the State. In 1836 Governor Boggs appointed him Attorney-General, and in 1839 a member of the Supreme Court, which position he held till 1852. In 1857 he was elected, without seeking the office and without nomination, a member of the court, but was ousted in 1862

by the provisional Convention. He at once took up the practice of law in St. Louis, and obtained great distinction. Upon the sudden death of Judge Ewing in 1873, Governor Woodson, without the knowledge of Judge Napton, made out his appointment and sent him his commission as a member of the court. The appointment coming as it did, accompanied with the earnest solicitation of others, led him to accept the honor, and in 1874 he was elected to fill out the unexpired term of Judge Ewing, and served till 1881. He was one of the finest scholars and most learned jurist ever actively connected with Missouri affairs. So honorable, able and great has been the Supreme Court of Missouri that it would have done honor to any nation in history, and among its great judges Napton admittedly is given the highest rank.

262. The Election of 1884.—There were three candidates for Governor in 1884. The Democrats nominated John S. Marmaduke; the Republicans, Nicholas Ford of Andrew county; and the Prohibitionists, John A. Brooks of Kansas City. Neither Marmaduke nor Ford had any ability as public speakers, and neither had ever been intimately or extensively identified with State or national affairs; consequently, the campaign was largely overshadowed by the national contest for the Presidency between Blaine and Cleveland. The Prohibitionists, however, made a more energetic campaign and polled more votes than ever before or since. Marmaduke was elected, and Albert P. Morehouse was chosen Lieutenant-Governor. The principal features of this administration were the Local Option law and the legislation regulating railroads. For some time public sentiment had been growing against the grasping power and extortionate greed of railroads. An effort was made in the Legislature of 1887 to give relief, but without success, and an adjournment was had, leaving the matter entirely unset-

tled, much to the regret of the Governor and a large part of the people. Thereupon he called an extra session to consider this question. After an animated session, prolonged through several weeks, a law was passed forbidding railroads to pool with each other in keeping up the price of traffic, also forbidding them from charging higher rates for short distances than for longer ones over the same road and to the same market,



JOHN S. MARMADUKE.

also from charging small shippers higher rates per car than large ones. The law satisfied the public demands for a few years and since that time agitation of the subject has not been so urgent.

263. The Local Option Law.—The local Option Law was enacted in 1887 in the interest of temperance. It gave to each town of 2,500 population the right to decide, by a majority vote, whether or not intoxicating liquors should be sold therein as a beverage and to all the rest of the county, except such towns, the same privilege. Under this law nearly all of the principal towns and a majority of the counties held elections. In a majority of them the vote was against the selling of liquors, but in nearly every one of these cases the election was declared invalid because proper notice was not given in the newspapers, or because of some other legal defect. The whole State of Missouri was alive

with these elections in 1887 and 1888, but of late years public interest in them has much declined.

264. Governor Marmaduke.—John Sappington Marmaduke was born in Saline county, in 1833, being a son of M. M. Marmaduke, who became Governor on the death of Thomas Reynolds in 1844. He was reared on the farm, entered Yale College at the age of seventeen and West



A. P. MOREHOUSE.

Point Military Academy at the age of twenty, from which he was graduated in 1857, and was assigned to duty in Utah as an officer in the regular army under the renowned Albert Sidney Johnson. When civil war broke in mad fury over the land, he resigned from the United States army, organized a company of State Guards and joined Governor Jackson at Boonville. Contrary to his advice, Governor Jackson, who

was his uncle by marriage, ordered him to give battle to General Lyon at that place. He obeyed the order, led his little army to certain defeat in face of Lyon's stalwart troops, then quickly resigned from the State Guard, proceeded to Richmond and tendered his sword to Jefferson Davis, and then went off to the war. He became a colonel in Albert Sidney Johnson's army, and, for gallant conduct at the battle of Shiloh, was breveted brigadier-general on the field. He subsequently took part in the war in Missouri

and Arkansas. When the war was over he became a commission merchant in St. Louis. Afterwards he became interested in journalism and became owner of a farmer's paper called the *Journal of Agriculture*. In 1876 he was elected Railroad Commissioner, and in 1884 Governor, and served just three years, till December 28, 1887, on which day he died. Albert P. Morehouse, the Lieutenant-Governor, immediately succeeded to the office and held it for one year. Mr. Morehouse was a native of Ohio, who came to Missouri in 1856, and after teaching school for a time became a lawyer, and rose to eminence in northwest Missouri as a citizen. He served several terms in the Legislature and died in September, 1891.

265. The Election of 1888.—At the election of 1888 the Democratic candidate for Governor was David R. Francis of St. Louis, and the Republican was E. E. Kimball of Nevada. Francis was elected, and Stephen Claycomb of Jasper county, was chosen Lieutenant-Governor.

266. David Rowland Francis was born in Kentucky in 1850, and moved with his parents to St. Louis in 1866, where for four years he attended Washington University, graduating with the degree of Bachelor of Arts in 1870. His expenses while at college were defrayed partly by money he had earned as a newsboy in Richmond, Kentucky, during the war, from 1861 to 1864. To complete his education he incurred a debt of several hundred dollars, which he repaid out of the first money earned after graduation. In 1870 he entered upon successful commercial pursuits, which he has continued to the present time. In 1884 he was president of the Merchants' Exchange. In March, 1885, he was elected Mayor of St. Louis, and in November, 1888, was elected Governor, and inaugurated January 14, 1889. In 1896 he was called to the Cabinet by President Cleveland, as



DAVID R. FRANCIS.

Secretary of the Interior, and served the country as the head of the Interior Department for about six months. During his administration as Governor the State Treasurer became a defaulter in the sum of about thirty-two thousand dollars. The Governor promptly removed him from office, his bondsmen without suit made good the amount embezzled, and the defaulting officer was prosecuted and sent to the penitentiary. Lon V. Stephens,

who afterwards was Governor, was appointed State Treasurer to fill the vacancy.

267. New Judges.—The Legislature submitted to the people at the general election of 1890 an amendment to the Constitution increasing the number of judges of the Supreme Court from five to seven. The amendment was adopted, and Governor Francis appointed George B. Macfarlane, of Mexico, and John L. Thomas, of Hillsboro, to serve until January, 1893. At the election in 1892 three judges of this court, Thomas A. Sherwood, George B. Macfarlane and Gavon D. Burgess, were elected for a term of ten years. Three judges of this court will, therefore, if the Constitution remains as it is, be elected in 1902 and every ten years thereafter. At other general elections once in two years, one judge of this court is elected to

serve for ten years. Once in two years the judges elect one of their number Chief Justice and the rule heretofore has been to honor with this preferment the judge who has served eight years of the term for which he was last chosen. At this time Judge Shepard Barclay, of St. Louis, is the Chief Justice. The names of all the judges of the Supreme Court and the terms for which they were chosen may be found in the Appendix.



JUDGE T. A. SHERWOOD.

Questions on Chapter XXIII.

1. Give a sketch of the life of John S. Phelps. (257)
2. Who was elected Senator in 1873? (258)
3. What is said of him? (258)
4. Who else are mentioned as Senators? (258)
5. Give a sketch of the life of Mr. Vest. (259)
6. Who were the candidates for Governor in 1880? (260)
7. Give a sketch of Governor Crittenden's life. (260)
8. For what is his administration most remembered? (260)
9. Give a sketch of the life of Judge Napton. (261)
10. Who were the candidates for Governor in 1884? (262)
11. What is said about the campaign? (262)
12. What were the principal features of Marmaduke's administration? (262)
13. What is said about legislation regulating railroads? (262)
14. What is said of the Local Option Law? (263)
15. Give a sketch of the life of John S. Marmaduke. (264)
16. How long did he serve as Governor? (264)
17. Who succeeded him? (264)

18. What is said of Governor Morehouse? (264)
19. What is said of the election of 1888? (265)
20. Give a sketch of the life of Mr. Francis. (266)

Topical Outline of Chapter XXIII.

FROM 1877 TO 1892.	{	1. John S. Phelps.
		2. Lewis V. Bogy.
		3. George G. Vest.
		4. Thomas T. Crittenden.
		5. Hannibal & St. Joseph Railroad Debt.
		6. Judge Napton.
		7. Election of 1884.
		8. Regulating Railroads.
		9. Local Option Law.
		10. John S. Marmaduke.
		11. Albert P. Morehouse.
		12. Election of 1888.
		13. David R. Francis.

CHAPTER XXIV.

FROM 1892 TO THE PRESENT TIME.

268. **The Election of 1892.**—In 1892 the Republican party nominated Major William Warner of Kansas City as its candidate for Governor, and the Democrats nominated William J. Stone of Nevada. Both candidates were exceedingly able speakers and the campaign that followed was one of the most active ever known in the State. The main issue of the contest was the proper system of taxation by the Federal Government—whether there should be a tariff for protection or tariff for revenue only. In this campaign Leverett Leonard of Saline county was a candidate of the new Populist or People's party for the office of Governor. At the polls Major Warner received 235,383 votes, Mr. Stone 265,044, Mr. Leonard 37,262. There were also 3,393 votes cast for John Sobieski, the Prohibition candidate. Mr. Stone received 29,661 more votes than did Major Warner, and was elected.

269. **William J. Stone.**—William Joel Stone was born near Richmond in Madison county, Kentucky, in 1848, his ancestors having come to that State from Virginia. He was reared on his father's farm, and attended the neighborhood schools and the seminary at Richmond. In 1863 he came to Missouri and was educated at the State University at Columbia. In 1869 he was admitted to the bar, served as city attorney of Columbia for a few months and in 1870 removed to Nevada, and soon became one of the most prominent citizens and lawyers of southwest Missouri. In 1884



WILLIAM J. STONE.

he was elected to Congress and served in the House of Representatives for six years. While a member of that body the tenacious contest arose in Congress over the forfeiture of the immense land grants made to Western and Southern railroads between 1862 and 1868. Mr. Stone contended that these lands ought to be restored to the public domain for the reason that the railroads had not complied with the terms of the grants. He became a leader on the side of those urging that the grants be forfeited, and as a result of this movement about sixty million acres were restored to the Government while he was a member of Congress. In 1892 he became Governor, and during his term led in the organi-

zation of the Democratic party of the State in behalf of the free and unlimited coinage of silver.

270. Decrease In Revenues.—In 1892 the valuation of all property in the State, as ascertained by the assessments made by the county assessors and the changes made by the State Board of Equalization in equalizing these assessments, slightly exceeded the sum of nine hundred million dollars. Up to that time the rate of taxation for State purposes had been twenty cents on the hundred dollars valuation. But by the Constitution when the entire valuation exceeds nine hundred millions, this rate must not exceed fifteen cents on each hundred dollars worth of property. Hence, it may be seen that the revenues of the State were nearly one fourth less for the next few years than they had been for sometime prior to 1893. Nevertheless the State government was not impaired nor greatly embarrassed by this sudden change. By proper economy it was able to appropriate one third of its revenue to the public schools, and besides built the main edifice to the State University, whose buildings had been burned in 1892, and made additions to about half of the educational and eleemosynary institutions of the State, and paid all claims against the Treasury when presented.

271. Strikes.—During Governor Stone's term there was a strike among the coal miners throughout the country, which was accompanied with violence in many States. The militia were called out in Ohio, Kansas, Tennessee and other States to restore order. A strong effort was made to involve the miners of Missouri in this strike; but because of the prompt and wise action taken by the Administration, assisted by employers and leaders among the miners, all trouble here was averted. It is a matter of just pride that no extensive strike ever originated in Missouri and that at all times the difficulties between laborers and the managers

of railroads, mines and other large business concerns, have been readily adjusted.

About the first of July, 1894, a strike by the employees of railroads extended over a great part of the country. Traffic was interrupted, commerce greatly impeded, and in some places there was violence, bloodshed, and destruction of property. But happily in Missouri traffic was not materially interrupted except on three railroads, and on these the trouble continued for only three or four days; nor was there any destruction of property or bloodshed. It was in this strike that President Cleveland sent Federal troops into Illinois and Indiana to restore order. This was done at the time when the strike was at its worst, and it was supposed that if like conditions arose in Missouri Federal troops might also be sent into this State. Governor Stone quickly took the position that for the President to send Federal troops into a State without having been called on to do so by the Governor or Legislature thereof, was a dangerous precedent and in violation of that part of the Constitution which says: "The United States shall guarantee to every State a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or the Executive (when the Legislature can not be convened) against domestic violence." No Legislature had applied to the President for assistance, no Legislature had been convened for that purpose in any State, nor had any Governor formally applied for assistance. But, on the contrary, it was urged in behalf of the President's action that the strike was interfering with interstate commerce and with the carrying of the Government mails, and that therefore the President had authority to send Federal troops into the States under two clauses of the Constitution, which say that "Congress shall have power to regulate commerce among the several States" and that "Congress shall have power to

establish post offices and post roads." It was further urged that the strike was worst on the border line between two States; that the strikers were stopping the mails and the carrying on of commerce over roads leading from one State into another, and that the strikers could easily pass from one State, where they were held in check by the State forces, into another and there continue their destruction of property before the authorities of the latter State could give relief. The point raised by Governor Stone is an interesting one for students of the Constitution, and necessarily involves difficulties in its proper solution. It has often been discussed since, and some leading men of Missouri have opposed the position taken by him, and others equally prominent have indorsed it.

272. Cyclones.—In late years destructive storms, popularly called cyclones or tornadoes, have occurred in the West, and in most States in the Upper Mississippi valley. They have occurred in various parts of Missouri, but only the three that were most destructive of life and property will be mentioned. In 1878 a violent storm swept down on Richmond, in Ray county, killing more than a score of people, and destroying many houses. Another, equally destructive of life and property, overtook the town of Marshfield, in Webster county, in 1880. But the worst cyclone perhaps ever known in the West, was the one which came down on St. Louis late in the afternoon of May 27, 1896. It came from a southwesterly direction, and mowed a wide way for itself through the city. Churches, residences, factories, parks, buildings of every kind were destroyed. It caused the death of two hundred and twenty people in the city, twelve boats on the river were lost, eight thousand, three hundred houses were either destroyed or badly damaged, and parts of the great railroad bridge over the Mississippi were blown down. But wherever these storms have

occurred, the survivors have soon set aside their fears, gathered their energies together again and repaired the loss of property. The number of deaths in the whole State caused by them is far less than that caused by a disease of ordinary violence, and the value of the property destroyed is not to be compared to that consumed by fire; and, beyond question, many people have permitted themselves to unnecessarily exaggerate their danger.

273. Election of 1896.—For the election of 1896 the Democrats nominated Lon V. Stephens, of Boonville, for Governor, and the Republicans nominated Robert E. Lewis of Clinton. The Populists nominated Orville D. Jones of Edina, but in a month or two after his nomination Judge Jones withdrew in favor of Mr. Stephens. The campaign was a stirring one from the beginning. Mr. Stephens was elected, receiving 43,233 more votes than Mr. Lewis.

274. Governor Stephens.—Lon V. Stephens was born in Boonville, Missouri, December 21, 1858, being a son of the well known Joseph L. Stephens, who for many years was one of the most prominent business men of the State, and himself a candidate for the Democratic nomination for Governor in 1872. He was prepared for college in the famous Kemper Family School of Boonville, and was then sent to Washington and Lee University at Lexington, Vir-



GOVERNOR LON V. STEPHENS.

ginia. After making a tour of Europe, and learning the arts of telegraphy and printing, he became identified with his father's bank in Boonville, serving as bookkeeper, cashier, and director, and here received the training which soon made him conspicuous among the younger business men of Missouri. In 1887 he was made receiver of the Fifth National Bank of St. Louis, which had become bankrupt, and so successfully wound up its affairs as to attract the attention of the State. In March, 1890, he was appointed State Treasurer to fill out the term of Mr. Noland who had been removed, and in 1892 elected to the same position for a term of four years. While in this office he became identified with those who were urging the cause of the free and unlimited coinage of silver, which had gained control of the Democratic party in Missouri, and at the State convention was nominated for Governor by acclamation, and elected to that office in November.

275. Conclusion.—The census of 1890 gave the population of the state as 2,679,184. This had been an increase of nearly four hundred per cent in forty years, or from 682,000 in 1850. No country in the world can show a more industrious, peaceable people, honestly devoted to the highest pursuits of civilized life. The population is scattered pretty evenly over the entire State. It is free from the baneful and deteriorating influences of very large cities, and the enervating effects of being separated from the throbbing, busy humanity of the world.

The area of the State is sixty-eight thousand, seven hundred and thirty-five square miles, and it is divided into one hundred and fourteen counties. There are over six thousand miles of railroad, and the taxable wealth of the State is about nine hundred and fifty million dollars. The State debt is about six millions, and the bonds sell readily and almost as high in the markets of the world as those of the United

States. The territory is well supplied with rivers, and the annual rainfall is large. There are lead, iron and zinc in untold quantities. A large part of the State is underlaid with excellent coal, and these beds are to be found in ready access to each county. Numerous other mineral products are found in large quantities and of excellent quality. The State is so rich in everything that contributes to the comforts of man that it could be made to supply the wants of twenty-five millions of people. There is a strong central university at Columbia, and two others in St. Louis, namely, Washington University, and the St. Louis University. There are not less than one hundred and ninety colleges, academies and seminaries; the strongest colleges being William Jewell at Liberty, Central at Fayette, Westminster at Fulton, Drury at Springfield, Central College for Young Ladies at Lexington, Stephens and Christian at Columbia, Park at Parkville, Hardin at Mexico, and Missouri Valley at Marshall, and for the training of teachers there are the three State Normals at Warrensburg, Cape Girardeau, and Kirksville. There are schools for the education of physicians and lawyers, also commercial schools. Besides, there are many high schools in the better towns and nearly ten thousand public and private schools. The inhabitants of Missouri have always been a religious people, and in every county and town, and in almost every township, there are faithful men of God proclaiming the Gospel. The leading religious denominations are Baptist, Methodist, Catholic, Presbyterian, Christian, Episcopalian, Lutheran and Congregationalist.

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15. Who was elected? (273)
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17. Mention some of the matters stated in conclusion. (275)

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FROM 1892 TO THE PRESENT TIME.	{	1. Election of 1892.
		2. William J. Stone.
		3. Strikes. {
		1. Among Coal Miners.
		2. Among Railroad Employees.
		3. Positions of the Governor and President.
		4. Cyclones.
		5. Election of 1896.
		6. Lon V. Stephens.
		7. Conclusion.

APPENDIX.

STATE OFFICERS.

The following list gives the Governors of Missouri during its entire history and the names of other officers since Missouri became a State, and the dates of their official tenure.

Spanish Lieutenant-Governors—Pedro Piernas, 1770-75; Francisco Cruzat, 1775-78; Fernando De Leyba, 1778-80; Francisco Cruzat, 1780-87; Manuel Perez, 1787-92; Zenon Trudeau, 1792-99; Carlos Dehault Delassus, 1799-1804.

Territorial Governors—William Henry Harrison, 1804-05; James Wilkinson, 1805-06; James Brown, Secretary and Acting Governor, 1806-07; Frederick Bates, Secretary and Acting Governor, May, 1807, to October, 1807; Meriwether Lewis, 1807-09; Frederick Bates, Secretary and Acting Governor, 1809-10; Benjamin Howard, 1810-12; Frederick Bates, Secretary and Acting Governor, 1812-13; William Clark, 1813-20.

State Governors—Alexander McNair, 1820-24; Frederick Bates, 1824-25; Abraham J. Williams, August to December, 1825; John Miller, 1825-32; Daniel Dunklin, 1832-36; L. W. Boggs, 1836-40; Thomas Reynolds, 1840-44; M. M. Marmaduke, February to November, 1844; John C. Edwards, 1844-48; Austin A. King, December, 1848, to January, 1853; Sterling Price, 1853-57; Trusten Polk, 1857-57; Robert M. Stewart, 1857-61; Claiborne F. Jackson, inaugurated 1861, deposed July 31, 1861, died October, 1862; Thomas C. Reynolds in Jackson's stead from October, 1862, till 1865; Hamilton R. Gamble, Provisional Governor, 1861-64; Willard P. Hall in Gamble's place, 1864-65; Thomas C. Fletcher, 1865-69; Joseph W. McClurg, 1869-71; B. Gratz Brown, 1871-73; Silas Woodson, 1873-75; C. H. Hardin, 1875-77; John S. Phelps, 1877-81; T. T. Crittenden, 1881-85; John S. Marmaduke, 1885-88; A. P. Morehouse, 1888-89; D. R. Francis, 1889-93; William J. Stone, 1893-97; Lon V. Stephens, 1897- .

Lieutenant-Governors—William H. Ashley, St. Louis, 1820 to November, 1824; Benjamin H. Reeves, Howard County, elected in 1824 and resigned within a few months to become a member of the commission which opened up the noted road from Leavenworth to Santa Fe; Daniel Dunklin, Washington County, 1828-32; Lilburn W. Boggs, Jackson County, 1832-36; Franklin Cannon, Cape Girardeau, 1836-40; M. M. Marmaduke, Saline County, 1840 to February 9, 1844; James Young, Lafayette County, 1844-48; Thomas L. Price, Cole County, December, 1849, to January, 1853; Wilson Brown, Cape Girardeau, 1853-57; Hancock Jackson, Randolph County, 1857-61; Thomas C. Reynolds, St. Louis, elected 1860 and office declared vacant July 30, 1861, by the Convention, and Willard P. Hall, Buchanan County, chosen to office provisionally and served till January 31, 1864; George Smith, Caldwell County, 1865-69; Edwin O. Stanard, St. Louis, 1869-71; Joseph J. Gravelly, Cedar County, 1871-73; Charles P. Johnson, St. Louis, 1873-75; Norman J. Colman, St. Louis, 1875-77; Henry C. Brockmeyer, St. Louis, 1877-81; Robert A. Campbell, St. Louis, 1881-85; Albert P. Morehouse, Nodaway County, 1885-88; Stephen H. Claycomb, Jasper County, 1889-93; John B. O'Meara, St. Louis, 1893-97; A. H. Bolte, Franklin County, 1897-.

Secretaries of State (Appointed by Governor up to 1852; thereafter elected by the people)—Joshua Barton, St. Louis County, 1820-21; W. G. Pettus, St. Charles, 1821-24; Hamilton R. Gamble, Howard County, 1824-26; Spencer Pettis, St. Louis County, 1826-28; P. H. McBride, Boone County, 1829-30; John C. Edwards, Cole County, 1830-35; Henry Shurlds, Washington County, 1835-37; Peter G. Glover, Callaway County, 1837-39; James L. Minor, Marion County, 1839-45; F. M. Martin, Jefferson County, 1845-49; Ephraim B. Ewing, Ray County, 1849-53; John M. Richardson, Greene County, 1853-57; Benjamin F. Massey, Jasper County, 1857-61; Mordecai Oliver, Greene County, selected by Convention in place of Massey removed, 1861-65; Francis Rodman, Buchanan County, 1865-71; E. G. Weigel, St. Louis, 1871-75; M. K. McGrath, St. Louis, 1875-89; A. A. Lesueur, Lafayette, 1889-97; A. A. Lesueur, 1897-.

State Treasurers (Appointed by Governor till 1852; thereafter elected by the people)—Peter Didier, St. Louis County, 1820-21; Nathaniel Simonds, St. Louis County, 1821-28; James Earickson, Howard County, 1829-33; John Walker, Cole County,

1833-38; Abraham McClellan, Jackson County, 1838-43; Peter J. Glover, Cole County, 1843-51; A. W. Morrison, Howard County, 1851-61; George C. Bingham, Jackson County, 1862-65, elected by Convention; Wm. Bishop, Cass County, 1865-69; W. Q. Dallmeyer, Cole County, 1869-71; Samuel Hayes, Buchanan County, 1871-73; Harvey W. Salmon, Henry County, 1873-75; Joseph Mercer, Jackson County, 1875-77; Elijah Gates, Buchanan County, 1877-81; Phil. Chappell, Cole County, 1881-85; John M. Seibert, Cape Girardeau County, 1885-89; Ed. T. Noland, Jackson County, 1889-90; Lon V. Stephens, Cooper County, 1890-97; Frank L. Pitts, Monroe County, 1897- .

Attorney-Generals—Edward Bates, St. Louis County, 1820-21; Rufus Easton, St. Louis, 1820-26; Robert W. Wells, Cole County, 1826-36; W. B. Napton, Howard County, 1836-39; S. M. Bay, Cole County, 1839-45; B. F. Stringfellow, Chariton County, 1845-49; William A. Robarts, Boone County, 1849-51; James B. Gardenhire, Buchanan County, 1851-57; Eph. B. Ewing, Ray County, 1857-59; J. Proctor Knott, Scotland County, 1859-61; Aikman Welsh, Johnson County, 1861-64, appointed; T. T. Crittenden, Johnson County, 1864-65; Robert F. Wingate, St. Louis, 1865-69; Horace P. Johnson, Cole County, 1869-71; A. J. Baker, Schuyler County, 1871-73; H. Clay Ewing, Cole County, 1873-75; John A. Hockaday, Callaway County, 1875-77; Jackson L. Smith, Cole County, 1877-81; D. H. McIntyre, Audrain County, 1881-85; B. G. Boone, Henry County, 1885-89; John M. Wood, Clark County, 1889-93; Robert Frank Walker, Morgan County, 1893-97; Edward C. Crow, Jasper County, 1897- .

State Auditors (Appointed by Governor till 1852; thereafter elected by the people)—William Christie, St. Louis, 1820-21; W. V. Rector, St. Louis, 1821-23; Elias Barcroft, St. Louis, 1823-33; Henry Shurlds, Washington County, 1833-35; Peter G. Glover, Callaway County, 1835-37; Hiram B. Baber, Cole County, 1837-45; William Monroe, Morgan County, February to December, 1845; J. R. McDearmon, St. Charles, 1845-48; George W. Miller, Cole County, 1848-49; Wilson Brown, Cape Girardeau, 1849-53; W. F. Buffington, Cole County, 1853-61; W. S. Mosely, New Madrid County, 1861-65; Alonzo Thomson, Nodaway County, 1865-69; D. M. Draper, Montgomery County, 1869-73; George B. Clark, Washington County, 1873-75; Thomas Holladay, Madison County, 1875-81; John Walker, Howard County, 1881-89; James M. Seibert, Cape Girardeau, 1889-97; James M. Seibert, 1897- .

JUDGES OF SUPREME COURT.*

Appointed by Governor till 1851; thereafter elected by the people. Mathias McGirk, Montgomery County, 1822-41; William Scott, Cole County, 1841-62, and then removed for failure to file oath; John D. Cook, Cape Girardeau, 1822-23; Rufus Pettibone, Pike County, 1823-25; Robert Wash, St. Louis, 1825-37; John C. Edwards, May to December, 1837; William B. Napton, Saline County, 1839-52; John F. Ryland, 1852-58; W. B. Napton, 1858-62, and then removed for failure to file oath; John Rice Jones, Pike County, 1822-24; George Tompkins, Howard County, 1824-45; P. H. McBride, Monroe County, 1845-49; J. H. Birch, Clinton County, 1849-52; Hamilton R. Gamble, St. Louis, 1851-54; Abiel Leonard, Howard County, 1855-58; John C. Richardson, 1858-59; E. B. Ewing, Ray County, 1859-62, and then removed by convention for failure to sign oath; Barton Bates, St. Charles, W. V. N. Bay, Franklin County, J. D. S. Dryden, Marion County, appointed in January, 1862, by Governor Gamble, elected by people 1863, and ousted by convention of 1865, Bates resigning, and Dryden and Bay being removed by Governor Fletcher. David Wagner, appointed, 1865-69; Nathaniel Holmes, 1865-68; James Baker, 1868-69; W. L. Lovelace, 1865-66; T. J. C. Flagg, 1866-69. In 1868 three judges were elected; David Wagner, Scotland County, for six years, 1869-75; Warren Currier, 1869-73; Philemon Bliss, Boone County, for two years, 1869-71; Currier resigned in 1871, and Washington Adams, Cooper County, was appointed till 1873. H. M. Vories, St. Joseph, 1873-79; Washington Adams, 1873-75; Ephraim B. Ewing, from January to June, 1873, deceased, and W. B. Napton appointed to fill vacancy till January, 1875, then elected and served till 1881; Thomas A. Sherwood, Greene County, 1873-83; Warwick Hough, Jackson County, 1875-85; John W. Henry, Macon County, 1877-87; Elijah H. Norton, Platte County, 1879-89; Robert D. Ray, Carroll County, 1881-91; Thomas A. Sherwood, 1883-93; Francis M. Black, Jackson County, 1885-95; Theodore Brace, Monroe County, 1887-97; ¹Shepard Barclay,³ St. Louis, 1889- ; ²James B. Gantt, Henry County, 1891- ; John L. Thomas, Jefferson County (appointed), 1891-93; ¹George B. Macfarlane, Audrain County (appointed), 1891-93; ¹George B. Macfarlane, 1893- ; ²Thomas A. Sherwood, Greene County, 1893- ;

*Since 1873 the term of the office of Supreme Judge has been ten years.

¹Constitute Division No. 1 of present court; ²Constitute Division No. 2 of present court; ³Chief Justice at present.

²Gavon D. Burgess, Linn County, 1893- ; ¹Waltour M. Robinson, Jasper County, 1895- ; ¹Theodore Brace, Monroe County, 1897- .

Speakers of the House of Representatives.—James Caldwell, 1820-21; Henry S. Geyer, 1821-26; Alex. Stewart, 1826-28; John Thornton, 1828-32; Thomas Reynolds, 1832-34; John Jameison, 1834-38; Thomas H. Harvey, 1838-40; Sterling Price, 1840-44; Claiborne F. Jackson, 1844-48; Alex. M. Robinson, 1848-50; Nathaniel W. Watkins, 1850-52; Ruben Shelby, 1852-54; William Newland, 1854-56; Robert C. Harrison, 1856-57; James Childs, 1857-58; John F. Coffe, 1858-60; Christian Kribben, February to December, 1860; John McAfee, 1860; Q. L. Marvin, 1763-64; Walter L. Lovelace, 1864-65; Andrew J. Harlam, 1865-69; James C. Orrick, 1869-71; R. P. C. Wilson, 1871-73; Mortimer McIlhaney, 1873-75; B. G. Boone, 1875-77; John F. Williams, 1877-79; J. Edwin Belch, 1879-81; T. P. Bashaw, 1881-83; Joseph S. Richardson, 1883-85; John M. Wood, 1885-87; John W. Alexander, 1887-89; Joseph J. Russell, 1889-91; Wilbur F. Tuttle, 1891-93; Thomas W. Mabrey, Ripley County, 1893-95; Benj. F. Russell, Crawford County, 1895-97; John W. Farris, Laclede County, 1897- .

UNITED STATES SENATORS.

(A)

David Barton, Howard County, 1821-30; Alex. Buckner, Cape Girardeau, 1830-33, Lewis F. Linn, Ste. Genevieve, 1833-43; David R. Atchison, Platte County, 1843-55—no successor till 1857; James S. Green, Lewis County, 1857-61; Waldo P. Johnson, St. Clair County, elected, resigned and expelled in 1861; Robert Wilson, Andrew County, 1862-63; B. Gratz Brown, St. Louis, 1863-67; Charles D. Drake, St. Louis, 1867-70; D. T. Jewett, St. Louis, 1870-71; Frank P. Blair, St. Louis, 1871-73; Lewis V. Bogy, St. Louis, 1873-77; D. H. Armstrong, St. Louis, 1877-79; James Shields, Carroll County, 1879-79; George G. Vest, Pettis County, 1879—

(B)

Thomas H. Benton, St. Louis, 1821-51; H. S. Geyer, St. Louis, 1851-57; Trusten Polk, 1857-61, resigned and was expelled; John B. Henderson, Pike County, 1862-69; Carl Schurz, St. Louis, 1869-75; Francis M. Cockrell, Johnson County, 1875- .

REPRESENTATIVES IN CONGRESS.

- 17th, 18th and 19th Congress (1821-27)—John Scott, Ste. Genevieve.
20th Congress (1827-29)—Edward Bates, St. Louis.
21st Congress (1829-31)—Spencer Pettis, St. Louis.
22nd Congress (1831-33)—William H. Ashley, St. Louis.
23rd Congress (1833-35)—William H. Ashley, St. Louis, and John Bull, Howard County. (Elections by general ticket till 1846.)
24th Congress (1835-37)—William H. Ashley, St. Louis, and Albert G. Harrison, Callaway County.
25th Congress (1837-39)—John Miller and Albert G. Harrison.
26th Congress (1839-41)—John Miller and John Jameison, Callaway County.
27th Congress (1841-43)—John Miller and John C. Edwards.
28th Congress (1843-45)—James M. Hughes, Clay County; James H. Relfe, Washington County; John Jameison, Callaway County; James B. Bowlin, St. Louis, and Gustavus M. Brown, Monroe County.
29th Congress (1845-47)—James B. Bowlin, St. Louis; James H. Relfe, Washington County; Sterling Price, Chariton County (resigned and was succeeded by William McDaniel, Marion County); John S. Phelps, Greene County, and Leonard H. Sims, Greene County.
30th Congress (1847-49)—1st District, James B. Bowlin, St. Louis; 2nd, John Jameison, Callaway County; 3rd, James S. Green, Lewis County; 4th, Willard P. Hall, St. Joseph; 5th, John S. Phelps, Springfield.
31st Congress (1849-51)—1st District, James B. Bowlin; 2nd, W. V. N. Bay, Franklin County; 3rd, James S. Green; 4th, Willard P. Hall; 5th, John S. Phelps.
32nd Congress (1851-53)—1st District, John F. Darby, St. Louis; 2nd, Gilchrist Porter, Pike County; 3rd, John G. Miller, Cooper County; 4th, Willard P. Hall; 5th, John S. Phelps.
33rd Congress (1853-55)—1st District, Thomas H. Benton, St. Louis; 2nd, Alfred W. Lamb, Marion County; 3rd, John G. Miller; 4th, Mordecai Oliver, Ray County; 5th, John S. Phelps; at large, James J. Lindley, Lewis County, and Samuel Caruthers, Madison County.
34th Congress (1855-57)—1st District, L. M. Kennett, St. Louis; 2nd, Gilchrist Porter; 3rd, J. J. Lindley; 4th, Mordecai Oliver; 5th, Thomas P. Akers, Lafayette County; 6th, John S. Phelps; 7th, Samuel Caruthers.

- 35th Congress (1857-59)—1st District, Francis P. Blair, St. Louis; 2nd, T. L. Anderson, Monroe County; 3rd, John B. Clark, Howard County; 4th, James Craig, St. Joseph; 5th, James H. Woodson, Jackson County; 6th, John S. Phelps; 7th, Samuel Caruthers.
- 36th Congress (1859-61)—1st District, J. R. Barrett, St. Louis; 2nd, T. L. Anderson; 3rd, John B. Clark; 4th, James Craig; 5th, S. H. Woodson; 6th, John S. Phelps; 7th, John W. Noell, St. Francois County.
- 37th Congress (1861-63)—1st District, Francis P. Blair (resigned and J. R. Barrett elected); 2nd, James S. Rollins, Boone County; 3rd, John B. Clark (expelled and William A. Hall elected in his stead); 4th, E. H. Norton, Platte County; 5th, John W. Reid, Jackson County (expelled and Thomas L. Price, Cole County, elected); 6th, John S. Phelps; 7th, John W. Noell.
- 38th Congress (1863-65)—1st District, James Knox, St. Louis; 2nd, Henry T. Blow, St. Louis; 3rd, John W. Noell (died, and John G. Scott, Jefferson County, elected); 4th, Sempronius H. Boyd, Greene County; 5th, Joseph W. McClurg, Camden County; 6th, Austin A. King, Ray County; 7th, Benjamin F. Loan, Buchanan County; 8th, William A. Hall, Randolph County; 9th, James S. Rollins.
- 39th Congress (1865-67)—1st District, John Hogan, St. Louis; 2nd, Henry T. Blow; 3rd, Thomas Noell, St. Francois County; 4th, John R. Kelsoe; 5th, Joseph W. McClurg; 6th, Robert T. Van Horn, Kansas City; 7th, Benjamin F. Loan, Buchanan County; 8th, John F. Benjamin, Shelby County; 9th, George W. Anderson, Pike County.
- 40th Congress (1867-69)—1st District, William A. Pile, St. Louis; 2nd, C. A. Newcombe; 3rd, Thomas E. Noell (deceased, and J. R. McCormick, Iron County, elected); 4th, J. J. Gravelly, Cedar County; 5th, Joseph W. McClurg (resigned, and John H. Stover, Morgan County, elected); 6th, R. T. Van Horn; 7th, B. F. Loan; 8th, John F. Benjamin; 9th, George W. Anderson.
- 41st Congress (1869-71)—1st District, Erastus Wells, St. Louis; 2nd, G. A. Finkelnburg, St. Louis; 3rd, J. R. McCormick; 4th, S. H. Boyd, Greene County; 5th, S. S. Burdette, St. Clair County; 6th, Robert T. Van Horn; 7th, Joel F. Asper, Livingston County; 8th, J. F. Benjamin; 9th, Pat Dyer, Pike County.

- 42nd Congress (1871-73)—1st District, Erastus Wells; 2nd, G. A. Finkelnburg; 3rd, J. R. McCormick; 4th, H. E. Havens, Greene County; 5th, S. S. Burdette; 6th, A. Comingo, Jackson County; 7th, I. C. Parker, St. Joseph; 8th, James G. Blair, Lewis County; 9th, Andrew King, St. Charles County.
- 43rd Congress (1873-75)—1st District, E. O. Stanard, St. Louis; 2nd, Erastus Wells; 3rd, W. H. Stone, St. Louis; 4th, Robt. A. Hatcher, New Madrid; 5th, Richard P. Bland, Laclede County; 6th, H. E. Havens; 7th, T. T. Crittenden, Johnson County; 8th, Abram Comingo; 9th, I. C. Parker; 10th, I. B. Hyde, Mercer County; 11th, John B. Clark, Jr., Howard County; 12th, John M. Glover, Lewis County; 13th, A. H. Buckner, Audrain County.
- 44th Congress (1875-77)—1st District, Edward C. Kehr, St. Louis; 2nd, Erastus Wells, St. Louis; 3rd, Wm. H. Stone, St. Louis; 4th, Robt. A. Hatcher; 5th, Richard P. Bland; 6th, Chas. H. Morgan, Lamar; 7th, John F. Philips, Sedalia; 8th, Benjamin J. Franklin, Kansas City; 9th, David Rea, Savannah; 10th, Rezin A. DeBolt, Trenton; 11th, John B. Clark, Jr.; 12th, John M. Glover, La Grange; 13th, Aylett H. Buckner, Mexico.
- 45th Congress (1877-79)—1st District, Anthony Ittner, St. Louis; 2nd, Nathan Cole, St. Louis; 3rd, Lyne S. Metcalf, St. Louis; 4th, Robt. A. Hatcher; 5th, Richard P. Bland; 6th, Chas. H. Morgan; 7th, T. T. Crittenden; 8th, Benjamin J. Franklin; 9th, David Rea; 10th, Henry M. Pollard, Chillicothe; 11th, John B. Clark, Jr.; 12th, John M. Glover; 13th, Aylett H. Buckner.
- 46th Congress (1879-81)—1st District, Martin L. Clardy, Farmington; 2nd, Erastus Wells, St. Louis; 3rd, R. Graham Frost, St. Louis; 4th, Lowndes H. Davis, Jackson; 5th, Richard P. Bland; 6th, James R. Waddill, Springfield; 7th, Alfred M. Lay, Jefferson City (died 1879, John F. Philips, elected); 8th, Sam. L. Sawyer, Independence; 9th, Nicholas Ford, Andrew County; 10th, Gideon F. Rothwell, Moberly; 11th, John B. Clark, Jr.; 12th, Wm. H. Hatch, Hannibal; 13th, Aylett H. Buckner.
- 47th Congress (1881-83)—1st District, Martin L. Clardy; 2nd, Thos. Allen, St. Louis, died, and succeeded by James H. McLean, St. Louis; 3rd, R. Graham Frost; 4th, Lowndes H. Davis;

5th, Richard P. Bland; 6th, Ira S. Hazeltine, Springfield; 7th, Huron M. Rice, Boonville; 8th, R. T. Van Horn; 9th, Nicholas Ford; 10th, Joseph H. Burrows, Cainesville; 11th, John B. Clark, Jr.; 12th, Wm. H. Hatch; 13th, Aylett H. Buckner.

48th Congress (1883-85)—1st District, W. H. Hatch; 2nd, Armstead M. Alexander, Paris; 3rd, Alexander M. Dockery, Gallatin; 4th, James N. Burnes, St. Joseph; 5th, Alex. Graves, Lexington; 6th, John Cosgrove, Boonville; 7th, Aylett H. Buckner; 8th, John J. O'Neil, St. Louis; 9th, James O. Broadhead, St. Louis; 10th, Martin L. Clardy; 11th, Richard P. Bland; 12th, Chas. H. Morgan; 13th, Robert W. Fyan, Marshfield; 14th, Lowndes H. Davis.

49th Congress (1885-87)—1st District, Wm. H. Hatch; 2nd, John B. Hale, Carrollton; 3rd, Alex. M. Dockery; 4th, James N. Burnes; 5th, Wm. Warner, Kansas City; 6th, John T. Heard, Sedalia; 7th, John E. Hutton, Mexico; 8th, John J. O'Neil; 9th, John M. Glover, St. Louis; 10th, Martin L. Clardy; 11th, Richard P. Bland; 12th, Wm. J. Stone, Nevada; 13th, Wm. H. Wade, Springfield; 14th, Wm. Dawson, New Madrid.

50th Congress (1887-89)—1st District, Wm. H. Hatch; 2nd, Chas. H. Mansur, Chillicothe; 3rd, Alex. M. Dockery; 4th, James N. Burnes (died 1889, Chas. F. Booher, Savannah, elected); 5th, Wm. Warner; 6th, John T. Heard; 7th, J. E. Hutton; 8th, John J. O'Neil; 9th, John M. Glover; 10th, Martin L. Clardy; 11th, Richard P. Bland; 12th, Wm. J. Stone; 13th, Wm. H. Wade; 14th, James P. Walker, Dexter.

51st Congress (1889-91)—1st District, Wm. H. Hatch; 2nd, Chas. H. Mansur, Chillicothe; 3rd, Alex. M. Dockery; 4th, Robt. P. C. Wilson, Platte City; 5th, John C. Tarsney, Kansas City; 6th, John T. Heard; 7th, Richard H. Norton, Troy; 8th, F. G. Niedringhaus, St. Louis; 9th, Nathan Frank, St. Louis; 10th, Wm. H. Kinsey, St. Louis; 11th, Richard P. Bland; 12th, Wm. J. Stone; 13th, Wm. H. Wade; 14th, James P. Walker (died, R. H. Whitelaw, Cape Girardeau, elected).

52nd Congress (1891-93)—1st District, Wm. H. Hatch; 2nd, Chas. H. Mansur; 3d, Alex. M. Dockery; 4th, R. P. C. Wilson; 5th, John C. Tarsney; 6th, J. T. Heard; 7th, R. H. Norton; 8th, J. J. O'Neil; 9th, Seth W. Cobb, St. Louis; 10th, Sam. Byrns, Potosi; 11th, R. P. Bland; 12th, David A. DeArmond, Butler; 13th, R. W. Fyan, Marshfield; 14th, Marshall Arnold, Benton.

53rd Congress (1893-95)—1st District, Wm. H. Hatch; 2nd, Uriel S. Hall, Randolph County; 3rd, Alex. M. Dockery; 4th, Daniel D. Burnes; 5th, John C. Tarsney; 6th, David A. DeArmond, Bates County; 7th, J. T. Heard; 8th, Richard P. Bland, Lebanon; 9th, Champ Clark, Pike County; 10th, Richard Bartholdt, St. Louis; 11th, Chas. F. Joy, St. Louis; 12th, Seth W. Cobb, St. Louis; 13th, Robert W. Fyan, Webster County; 14th, Marshall Arnold, Scott County; 15th, Charles H. Morgan, Barton County.

54th Congress (1895-97)—1st District, Chas. N. Clark, Hannibal; 2nd, Uriel S. Hall, Randolph County; 3rd, Alex. M. Dockery, Gallatin; 4th, Geo. C. Crowther, St. Joseph; 5th, John C. Tarsney, Kansas City; 6th, David A. DeArmond; 7th, John P. Tracey, Springfield; 8th, Joel D. Hubbard, Morgan County; 9th, Wm. M. Treloar, Mexico; 10th, Richard Bartholdt, St. Louis; 11th, Chas. F. Joy, St. Louis; 12th, Seth W. Cobb, St. Louis; 13th, John H. Raney, Piedmont; 14th, Norman A. Mozley, Dexter; 15th, Charles G. Burton, Nevada.

55th Congress (1897-99)—1st District, James T. Lloyd, Shelbyville; 2nd, Robert N. Bodine, Paris; 3rd, Alex. M. Dockery, Gallatin; 4th, Charles F. Cockran, St. Joseph; 5th, William S. Cowherd, Kansas City; 6th, D. A. DeArmond, Butler; 7th, James A. Cooney, Marshall; 8th, Richard P. Bland, Lebanon; 9th, Champ Clark, Bowling Green; 10th, Richard Bartholdt, St. Louis; 11th, Charles F. Joy, St. Louis; 12th, Charles E. Pearce, St. Louis; 13th, Edward A. Robb, Perryville; 14th, Willard D. Vandiver, Cape Girardeau; 15th, M. E. Benton, Neosho.

THE ORGANIZATION OF THE COUNTIES.

Originally there were five districts or counties in the Territory, viz: St. Louis, St. Charles, Ste. Genevieve, Cape Girardeau, and New Madrid. The various sessions of the Legislature, both in the Territorial days and after Missouri became a State, organized counties as follows.

In 1813—Jefferson, Franklin, Wayne, Lincoln, Pike, Madison, Montgomery and Cooper. In 1820—Lillard, Perry, Ray, Cole, Chariton, Ralls, Saline, Gasconade, Boone and Callaway. In 1821—St.

Francois and Scott. In 1822—Clay. In 1826—Jackson, Marion and Lafayette (changed from Lillard). In 1829—Crawford. In 1830-31—Randolph. In 1832-33—Carroll, Clinton, Greene, Monroe, Lewis, Morgan, Pettis, Pulaski, Ripley, Warren and St. Clair. In 1834-35—Barry, Henry, Benton, Johnson, Polk, Shelby, Stoddard, Cass and Van Buren. In 1836-37—Audrain, Caldwell, Clark, Daviess, Linn, Livingston, Macon, Miller and Taney. In 1838-39—Newton, Platte and Buchanan. In 1841—Adair, Andrew, Shannon, Bates, Camden (changed from Kinderhook), Dade, Gentry, Grundy, Holt, Jasper, Scotland and Wright. In 1842—Dallas, Osage and Ozark. In 1845—Atchison, Dunklin, Harrison, Knox, Mercer, Mississippi, Moniteau, Nodaway, Putnam, Reynolds, Schuyler, Sullivan, Texas and Hickory. In 1849—Butler, McDonald, Laclede and Stone. In 1851—Bollinger and Vernon. In 1855—Barton, Maries and Webster. In 1857—Douglass, Howell, Iron and Phelps. In 1859—Carter. In 1860—Christian. In 1861—Pemisecot and Worth. These dates show the movement of population and the disposition of the people, as soon as they became sufficiently numerous, to separate from the old mother counties and form new ones of their own.

MEMBERS OF THE CONVENTION OF 1861.

	COUNTY.
J. S. Allen.....	Harrison.
Eli E. Bass	Boone.
Geo. Y. Bast	Montgomery.
R. A. Brown.....	Cass.
Orson Bartlett ..	Stoddard.
J. H. Birch.....	Clinton.
Joseph Bogy...Ste.	Genevieve.
S. M. Breckenridge.	St. Louis.
J. O. Broadhead ..	St. Louis.
H. E. Bridge.....	St. Louis.
Isidor Bush.....	St. Louis.
J. R. Chenault.....	Jasper.
Samuel C. Collier...	Madison.
A. Comingo	Jackson.
R. W. Crawford...	Lawrence.
Robert Calhoun....	Callaway.
M. P. Cayce.....	St. Francois.
R. W. Donnell.....	Buchanan.
Geo. W. Dunn....	Ray.
Wm. Douglas.....	Cooper.
Charles D. Drake...	St. Louis.
A. W. Doniphan...	Clay.
C. D. Eitzen.....	Gasconade.
R. B. Frayzer.....	St. Charles.
Joseph Flood.	Callaway.
John D. Foster	Adair.
N. F. Givens.....	Clark.
H. M. Gorin	Scotland.
H. R. Gamble.....	St. Louis.
T. T. Gantt.....	St. Louis.
J. J. Gravelly.	Cedar.
A. S. Harbin	Barry.
R. A. Hatcher.....	New Madrid.
V. B. Hill.....	Pulaski.
W. J. Howell	Monroe.
Prince L. Hudgins.	Andrew.
Willard P. Hall....	Buchanan.
William A. Hall ^...	Randolph.
John B. Henderson.	Pike.
Littleberry Hendrick.	Greene.
Henry Hitchcock...	St. Louis.
Robert Holmes.....	St. Louis.
John Holt	Dent.
Harrison Hough....	Mississippi.
John How.....	St. Louis.
J. M. Irwin.....	Shelby.
Z. Isbell	Osage.
William Jackson...	Putnam.
R. W. Jamison....	Webster.
J. W. Johnson	Polk.

	COUNTY.
J. Proctor Knott....	Cole.
C. G. Kidd.....	Henry.
W. T. Leeper.....	Wayne.
M. L. L. Linton.....	St. Louis.
John F. Long.....	St. Louis.
J. T. Matson.....	Ralls.
A. W. Maupin	Franklin.
J. H. Moss.....	Clay.
Vincent Marmaduke.	Saline.
A. C. Marvin.	Henry.
J. W. McClurg	Camden.
J. R. McCormick. .	Perry.
Nelson McDowell...	Dade.
James McFerrain...	Daviess.
Ferd. Meyer	St. Louis.
W. L. Morrow	Dallas.
E. H. Norton.....	Platte.
J. C. Noell	Bollinger.
Sample Orr	Greene.
John F. Philips.....	Pettis.
Wm. G. Pomeroy...	Crawford.
Philip Pipkin.....	Iron.
Sterling Price.....	Chariton.
J. P. Ross.....	Morgan.
R. D. Ray	Carroll.
J. T. Redd....	Marion.
C. G. Rankin	Jefferson.
M. H. Ritehey.....	Newton.
Fred Rowland.....	Macon.
S. L. Sawyer.....	Lafayette.
E. K. Sayre.....	Lewis.
J. K. Sheeley.....	Jackson.
Robert M. Stewart..	Buchanan.
Thos. Scott.....	Miller.
Thos. Shackelford...	Howard.
J. H. Shackelford...	St. Louis.
Jacob Smith.....	Linn.
Sol. Smith.....	St. Louis.
J. T. Tindall	Grundy.
W. W. Turner	Laclede.
J. G. Waller.	Warren.
N. W. Watkins.....	Scott.
Warren Woodson...	Boone.
A. M. Woolfolk.....	Livingston.
Uriel Wright	St. Louis.
Aikman Welch.....	Johnson.
Robert Wilson.....	Buchanan.
Ellzey Van Buskirk.	Holt.
G. W. Zimmerman..	Lincoln.

MEMBERS OF THE CONSTITUTIONAL CONVENTION OF 1875.

COUNTY.

Waldo P. Johnson,
President.....St. Clair.
Nathaniel W. Watkins,
Vice-President....Scott.
A. M. Alexander...Monroe.
W. Adams.....Cooper.
D. C. Allen.....Clay.
F. M. Black.....Jackson.
H. C. Brockmeyer...St. Louis.
H. Boone.....DeKalb.
G. W. Bradfield...Laclede.
J. O. Broadhead...St. Louis.
G. W. Carlton....Pemiscot.
Wm. Chrisman....Jackson.
L. F. Cotty.....Knox.
S. R. Crockett.....Vernon.
T. W. B. Crews....Franklin.
E. V. Conway.....St. Francois.
L. J. Dryden.....Warren.
B. R. Dysart.....Macon.
L. H. Davis.....Cape Girardeau.
J. C. Edwards . . . St. Louis.
C. D. Eitzen.....Gasconade.
J. F. T. Edwards...Iron.
R. W. Fyan.....Webster.
J. L. Farris.....Ray.
L. Gottschalk.....St. Louis.
J. Hyer.....Dent.
T. T. Gantt.....St. Louis.
J. A. Holliday.....Caldwell.
J. B. Hale.....Carroll.
W. Halliburton....Sullivan.
C. Hammond....Chariton.
N. C. Hardin.....Pike.
T. J. Johnston...Nodaway.

COUNTY.

H. B. Johnson.....Cole.
H. C. Lackland....St. Charles.
A. M. Lay.....Cole.
W. H. Letcher.....Saline.
E. McCabe.....Marion.
A. V. McKee. . . . Lincoln.
M. McKellop....Atchison.
P. Mabrey.....Ripley.
B. F. Massey.....Newton.
H. T. Mudd.....St. Louis.
C. B. McAfee....Greene.
N. A. Mortell.....St. Louis.
J. H. Maxey.....Howell.
E. H. Norton.....Platte.
E. A. Nickerson...Johnson.
William Priest...Ralls.
Joseph Pulitzer...St. Louis.
P. Pipkin.....Jefferson.
J. H. Rider.....Bollinger.
J. P. Ross.....Morgan.
J. R. Rippey....Schuyler.
J. F. Rucker.....Boone.
J. W. Ross.....Polk.
J. C. Roberts.....Buchanan.
John Ray.....Barry.
Wm. F. Switzler...Boone.
J. H. Shanklin....Grundy.
Thomas Shackelford.Howard.
H. J. Spaunhorst...St. Louis.
Geo. H. Shields....St. Louis.
J. H. Taylor.....Jasper.
A. R. Taylor.....St. Louis.
A. Todd.....St. Louis.
Levi J. Wagner....Scotland.
H. C. Wallace.....Lafayette.

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